

THE MEXICAN WOOL INDUSTRY IN
THE SIXTEENTH CENTURY

by

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PREFACE

The war now raging in Europe has denied students of history access to many valuable source materials. Bombs have rained indiscriminately on repositories, leaving a path of destruction in the wake of vast armadas of airplanes; the damage to archival buildings has caused irreparable loss. Freedom to carry on independent historical research in the Nazi-dominated countries is now suppressed.

Largely because of our present good-neighbor policy, however, students are turning their attention more and more to our sister-republics to the south. In order to promote better cultural and commercial relations among the twenty-one American republics, studies are being made in the fertile field of Hispanic-American History. Old fears and misunderstandings are being cleared up, and solidarity among nations in the Western Hemisphere is becoming a reality.

This study was begun at the suggestion of Professor Arthur S. Aiton when the writer was a student in his Seminar in Hispanic-American History, the Colonial Period, during the second semester of the academic year 1938-1939. Because of limited time, research in the seminar was confined mainly to an examination of the constitution of the Mesta, the sheep-owners' fraternity in New Spain; the document of 1537, the first governing

instrument of the pastoral industry in the new colony, was translated. A few important secondary materials were examined and a brief paper was written on the subject. Work done in the seminar was the beginning of this more extensive treatment of the subject.

The study of any industry in New Spain cannot be divorced from some consideration of Spanish colonial institutions. All problems of public interest, no matter how trivial, were referred to the home government for solution. This study of sheep-raising and the wool industry in New Spain is institutional insofar as it throws new light on the functions of the viceroy, of the oidores of the audiencia, of the members of the cabildos, or town councils, and of the alcaldes de mesta, or judges of the sheep walks. All of these officials were connected in some way with the pastoral industry. The Spanish Mesta, which long had protected the best interests of livestock owners in the parent-country, was transferred to New Spain. This interesting institution became a dominant factor in the development of the pastoral industry in the new colony, and special attention will be given to the part that it played in relation to other colonial institutions.

An attempt has been made to embrace as many aspects of the problem as time and space permit. On the social side, Spanish treatment of the Indians, who labored on

the estancias and in the wool mills is an interesting story in itself. The political and legal status of the Mesta is of sufficient importance to merit careful treatment. The pastoral industry was in many respects the most important element in the economy of New Spain.

Many problems arose during the lengthy research required in the preparation of this work. The writer has been embarrassed by the abundance of materials on the subject: cabildo records, cédulas, ordinances, decrees, instructions which the viceroys left to their successors, not to mention such important sources as the Recopilación de leyes de los reynos de las Indias, and Solorzano's Política Indiana, are replete with regulations concerning the pastoral industry. Unfortunately, the minutes of the semiannual meetings of the Mesta have not been uncovered, if indeed they exist at all. Such documents would throw new light on the grazing industry in operation and would constitute another phase of the story. This work is intended to show the relation between government and the pastoral industry; government documents are filled with regulations in minutest detail for the benefit of the herdsmen and flock masters.

Serious and vexing problems confronted the palaeographers in transcribing the documents from original manuscript to printed page. Although they made a few

errors, there is every reason to believe that they made honest efforts to reproduce the originals correctly on the printed page; that this is true is shown by the fact that words, or sometimes whole lines, which were not legible in the handwritten manuscripts are omitted in the printed sources; instead, dotted lines are inserted. In some instances the palaeographers call attention to such problems in short parenthetical notes.

The spelling of sixteenth-century Spanish is different from modern Spanish, and was a perplexing problem to the writer during the early weeks of research and translation. An attempt has been made to translate the documents into as good English as possible consistent with accuracy from the standpoint of the Spanish. Lack of adequate indices in the sources made the work more laborious.

The preparation of this volume has obligated the author to the aid and assistance of others. The General Library officials of the University of Michigan have secured several invaluable inter-library loans from the University of Texas, from Yale University, and from Columbia University; the writer is grateful to these persons and institutions for their assistance. The author is further indebted to Professor Julio del Toro, of the Spanish Department, for helpful suggestions concerning doubtful translations. Most of all, thanks

are due to Professor Arthur S. Aiton, the writer's chairman and director of research, who has been kind enough to read the first typewritten draft of each chapter and offer helpful suggestions for revision and correction; his patient criticism and his thorough knowledge of the entire field have been a constant source of encouragement. Without the aid and advice of these persons, this work could not have been even approximately successful.

W. H. D.

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INTRODUCTION

When the Spanish settlers came to the shores of the New World one of their principal aims was the acquisition of gold and silver. Loot for themselves and wealth for the Spanish crown were the desires of conquistador and poblador alike. The Spanish monarchs were in constant need of money to carry on their European wars. The cost of organization of the colonial government, and of administration of affairs in the vast colonial empire, was enormous. The crown looked to the newly discovered and settled lands as a lucrative source of income, and the pastoral industry bore the burden of heavy taxation. In order to achieve their ends, the Spaniards adopted any means that were expedient. By conquest, they took the land and other natural resources from the Indians. Then they made of the Indians a subject race; these unfortunate people were forced to subordinate themselves to the welfare of the Spanish government; under the guise of protecting the natives, the Spaniards allotted them and forced them to labor in the mines and on the estancias. By and large, the Spaniards were not inclined to perform hard labor and they could not have made a living in the new land, had they not exploited the unhappy natives.

In the early days the quest for gold and silver was uppermost in the minds of all the Spaniards from

the monarch down to the humblest settler. In New Spain and in other Spanish colonies, mines were quickly opened and the natives were compelled to labor in them under adverse conditions, and under the supervision of Spanish overlords. The chief concern of the audiencia officials was silver, but Antonio de Mendoza, the first viceroy, showed that, without neglecting the mining of silver, additional revenue could be derived from other sources.

The principal pursuits in New Spain were farming, grazing, and mining. Historians have greatly exaggerated the importance of mining. Agriculture and its companion industry, stock-raising, are fundamentally the basis of all industry. The romance of the Conquest and of the silver fleets did much to give disproportionate prominence to the production of gold and silver in popular accounts of Spanish colonization. The mining industry, however, cannot be distinctly separated from farming and grazing. Agriculture and the raising of livestock were stimulated by mineral wealth. Wherever mines were opened, farming and grazing were begun; the miners had to have food to eat, and the leather and tallow from sheep and cattle were essential staples to the mining industry. Because of their desire to get rich quickly the Spaniards soon exploited the richest mineral deposits, but the farmers and herdsmen were engaged in more secure occupations; the hold they gained was main-

tained long after the mines had been abandoned.

The Spanish monarchs were not oblivious to the fact that farming and grazing were essential to permanent colonizing schemes. To that end, they adopted a liberal policy toward these pursuits. Farmers in early New Spain were given seeds of all kinds that could be raised profitably in the colony. One of the conditions imposed upon those who set out to found new settlements was that they should take along a certain number of sheep, cattle, and horses, to stock their new estancias.

Although mining in New Spain was important from the first, it was soon outdistanced by agriculture and stock-raising. It was not long until almost every settler kept at least a few sheep or cattle. The innumerable lawsuits between the cattlemen and the sheep-owners soon became too great a burden on the audiencia, and it became necessary to transfer the Mesta, or sheep-owners' fraternity, from Spain to the new colony to settle these petty disputes. This institution protected the livestock owners and came to constitute a major element in the lives of the pioneers in overseas administration.

That the pastoral industry was considered more important than mining by contemporary opinion is clearly manifested in the documentary sources. The cabildo records not only of Mexico City, but also of Lima, Quito,

and Santiago, are replete with regulations pertaining to the pastoral industry, while little attention is paid to mining. The members of the cabildos, or town councils, spent the greater part of their time in the expedition of pastoral affairs. Public matters, no matter how trivial, were usually referred to the home government for regulation. Almost innumerable were the cédulas and decrees issued by the crown to provide for the administration of colonial affairs; royal decrees were reissued in the colony by the viceroy, the audiencia, and in many instances by the local cabildos. Many decrees and ordinances were intended to regulate the pastoral industry. The cabildos expedited all matters pertaining to the ejidos, or common pastures; the town councilmen had charge of the slaughter, inspection, and sale of meat; they regulated weights and weight inspection; the important matter of tax regulation was in their hands. Careful examination of the cabildo records and of royal decrees of the sixteenth century indicates that the pastoral industry was exceedingly important in New Spain. This is true also of the other Spanish colonies in the New World. Reference has been made in this work to the cabildo records of Lima, Quito, and Santiago, for purposes of comparison, and to study controls from other American areas.

Historians have tended to overemphasize the mining

industry in New Spain, and the subjects of agriculture and grazing have been neglected. This work is an attempt to put the pastoral industry of New Spain more nearly in its proper place; it is an effort to do for New Spain what Julius Klein did for Spain, in The Mesta, a Study in Spanish Economic History; the general plan of Klein's work has been the pattern of this thesis. His study is well known, and has merited the respect of leading scholars.

Cortés is reported to have said, "I came to get gold, not to till the soil like a peasant." However, the glory of the Conquest, the glitter of gold, and the glint of silver did not last for long. It was agriculture, livestock-raising, and Indians to perform the labor that turned out to be the enduring fruits of the Spanish Conquest, and not gold and silver.

While the Spaniards doubtless hoped to find gold and silver by sending expeditions into our Southwest, it is obvious that the precious metals were not to be found; only an elementary knowledge of geography is needed to convince one that the Great Plains could be used advantageously for pastoral purposes only. Coronado, in a letter to the king, wrote:

And what I am sure of is that there is not any gold nor any other metal in all that country, and the other things of which they have told me are nothing but little villages, and in many of these they do not plant anything and do not have any houses except of skins and

1

sticks, and they wander around with the cows.

Coronado and his followers discovered that our Southwest was naturally adapted to the grazing industry. The aborigines there knew nothing of the use of any kind of metals; they were nomadic, and depended upon livestock for subsistence. The whole story of the trans-Mississippi West, excluding the mineral areas, is, in the main, a record of events pertaining to the pastoral industry.

1. Walter Prescott Webb, The Great Plains, Boston, New York, Chicago, London, 1931, p. 107. This work is the nearest approximation to successful treatment of the Spanish approach to the Great Plains.

CHAPTER I. THE SPANISH BACKGROUND

The story of man's struggle to provide himself with food, shelter, and clothing is continuous. Since the dawn of civilization, agriculture and its companion industry, stock-raising, have been essential to human existence; they form the basis of all other pursuits. The domestication of animals and their improvement by selective breeding have been challenging problems with which men have grappled through the ages.

The sheep is in many respects one of the most valuable of domestic animals. The use of wool in the production of woollen cloth and clothing is well known. The flesh of sheep is a wholesome food. Sheepskins have been utilized as writing material for important documents such as diplomas; the pelts, when properly cured with the wool on them, make warm lining for coats and have many other practical uses. Before kerosene lamps came into use, tallow candles were the common method of lighting. Even the horns and hoofs of sheep have been used in the manufacturing of certain commodities. The

1. It is not deemed necessary to deal with this subject to any great length. That has been done so admirably by Julius Klein in The Mesta, A Study in Spanish Economic History, Cambridge, 1920. Some attention, however, should be given to the industry, and to the institutions that regulated it, in the mother country. This will enable the reader to have a clearer understanding of subsequent chapters. (Hereinafter cited as "Klein.")

uses of wool² are many and varied.

Although sheep are found in every latitude between the equator and the Arctic Circle,³ their natural habitat doubtless was in the mountain ranges of Central Asia.⁴ From there they were brought to Greece and later the Romans introduced sheep into Italy and temporarily advanced the art of wool growing. Their work, however, suffered decline due to repeated intrusions of barbarian hordes, but their influence persisted only through such of their stock as was transferred into Spain.⁵ Sheep of several varieties had gradually spread from the shores of the Black Sea and the coast of Syria, to Italy, thence to Spain. Some of them were crossed with the native breeds of Spain, but others remained as distinct types and probably became the progenitors of the merino, or fine-wool sheep.⁶ In each successive step through the various countries the sheep received great care and improvement, culminating finally in the excellent merino breed. The climate and topogra-

2. The term "wool" is here used in the general sense, as is often done, to pertain to the several products mentioned in this paragraph, which are obtained from sheep.

3. Robert Jennings, Sheep, Swine, and Poultry, Philadelphia, 1918, p. 15. (Hereinafter cited as "Jennings.")

4. John A. Craig, Sheep Farming in North America, New York, 1918, p. 24. (Hereinafter cited as "Craig.")

5. Ibid., 25.

6. Jennings, 26.

phy of Spain were suitable to successful sheep raising.

Several theories have been advanced in regard to the origins of the merino race.⁷ It is possible that they are the type referred to so often in biblical lore, that were kept in Palestine.⁸ According to Klein, the two following theories may be discounted: that the name is derived from maiorinus or merino, a royal, Castilian, medieval magistrate who served as judge of the sheep walk; secondly, that the name is traceable to the sup-

7. The merino is only one of many breeds of sheep. The four leading classes of sheep are: the merino, a small sheep with a heavy, greasy fleece of fine wool; the various breeds of English sheep which are larger bodied than the merino and have longer, coarser wool; the cross breeds (crosses between merino and English sheep); the so-called "native," unimproved breeds of many countries, which produce inferior grades of wool. Each class is subdivided into many varieties. The Rambouillet, for example, is a type of merino which was developed in France with the parent stock coming from Spain. The two main divisions of English sheep are the "long wools" and the "downs," and there are many varieties under each subdivision. See United States Tariff Commission, The Wool Growing Industry, Washington, 1921, p. 29. It is not thought worthwhile to present here extensive accounts of these various breeds. Excellent illustrations of them can be found in the following works:

Joseph E. Wing, Sheep Farming in America, Chicago, 1909. (Hereinafter cited as "Wing.")

John A. Craig, Sheep Farming in North America, New York, 1918.

Henry S. Randall, The Practical Shepherd, a complete treatise on the management, breeding, and diseases of sheep, ninth ed., Rochester, N. Y., 1863. (Hereinafter cited as "Randall.")

Robert Jennings, Sheep, Swine, and Poultry, Philadelphia, 1864.

8. Wing, 22; James Burnley, The History of Wool and Woolcombing, London, 1889, pp. 35-41.

posed introduction of sheep from across the sea (marina). It is more likely to be derived from the Beni-Merines, a North African tribe, which came into Spain with the Berber intrusion.⁹

The merino type possesses inbred qualities surpassed by no others. It is commonly believed that the North African tribes introduced select breeding into medieval Spain;¹⁰ methods of castration, preparation for slaughter, clipping, and washing the wool¹¹ were also introduced by them. Italian influences to improve sheep by select breeding also spread to Spain. Columella, a colonist from Italy, conveyed African rams to his farm in Spain; it is reasonable to assume that his experiments laid the foundation for general improvement in Spanish breeds.¹²

Although the Moorish conquest of Spain, in the eighth century, had ill effects on certain industries, it encouraged the production of wool, and a great quanti-

9. Klein, 3-4; Burnley, The History of Wool and Woolcombing, 18.

10. Ibid., 5, note 2. Cf. Randall, 125, note at bottom of page.

11. For a discussion of the different modes of washing sheep see Randall, 163-168. Cf. Jennings, 160-165; also see Wing, 193. Until about twenty-five years ago sheep were washed in different parts of the United States by taking them to the middle of a stream in flat-bottom boats where they were driven into the water and forced to swim to shore. All modes of washing are now obsolete.

12. Jennings, 26; Klein, 6; Burnley, The History of Wool and Woolcombing, 46.

ty of the fine staple was exported. By the thirteenth century Seville could boast of no less than sixteen thousand looms. The fine quality of woolen cloth soon became widely known; it was a leading article of trade throughout the greater part of Europe, particularly in the Mediterranean area.¹³ The Moors are accredited with the introduction of the merino strain into Spain, as well as many features of the migratory scheme for improving the sheep raising industry.¹⁴ With the expulsion of the Moors in the fifteenth century the wool industry immediately declined; many Moors had been industrious weavers of woolen cloth, and their banishment at the command of Ferdinand and Isabella almost spelt the end of Spanish woolen manufacturing. Discovering their mistake too late, all subsequent efforts of the Spanish Government to make reparation were in vain.¹⁵

Spanish sheep were roughly divided into two classes: the stationary or Estantes herds which remained at the same place throughout the year; and the migratory, which have been variously called transhumantes, canariegos, pasantes, or pasajeros, which were driven seasonally, twice annually from northern to southern Spain, or vice versa, in search of more fertile pasture

13. Jennings, 28.

14. Klein, 7.

15. Jennings, 29.

lands. Semi-annual pasturage changes were desirable mainly because of sharp contrasts of climate. Several other plausible reasons have been advanced for these migrations: the continued state of warfare between Moors and Christians was, to a large extent, responsible for this form of movable property, which was driven away from the enemy in time of conflict; secondly, the industry was forced into depopulated areas by the devastation of plagues, particularly the Black Death in 1348-50. The migratory sheep were taken, beginning the journey in April, to the mountains in northern Spain in the summer; and in the winter, beginning in early October, they returned to the plains toward the south. The route each way averaged about four hundred miles and was usually covered in six weeks.¹⁶

Sheep walks are found in every country where the migratory pastoral industry was carried on. Special sheep highways were marked out in Italy, Provence, Algeria, and the Balkans; these were the forerunners of the cañadas¹⁷ of Castile. In the true sense, the cañadas were only sections of the sheep highways adjacent to cultivated land, which were specifically

16. Ibid., 29; Randall, 13; Klein, 7; also see Special Report relating to imports and exports of wool and its manufactures in the United States, Treasury Department, Washington, 1888, p. xxxiii.

17. Various other names were given them. See Klein, 17, note 3.

marked out. Great stretches of the highways traversed sparsely settled and arid regions, where the land was not tilled, nor the routes precisely determined. In a general sense, however, the word "cañada" was used to designate any of the sheep walks from the northern and southern parts of Spain. To be sure, the width of sheep highways varied, but it was generally considered to be ninety varas, or about two hundred and fifty feet;¹⁸ it was marked out by the Procurador Fiscal.

The maintenance and protection of the cañadas was a part of the royal charge. It is a truism that landowners living along the cañadas yielded all too often to the temptation to enclose adjoining strips of land which were used so little. In order to discourage these encroachments, and to maintain the right of way for the flocks the King sent out special itinerant justices known as the entregadores. These royal officials formed a link between the King and the local governmental units.

18. Novísima recopilación de las leyes de España. Divida en xii libros, en que se reforme la Recopilación publicada por el Señor Don Felipe II en el año 1567, reimpresa ultimamente en el de 1775: y se incorporan las pragmáticas, cédulas, decretos, ordenes y resoluciones reales, y otras providencias no recopiladas, y expedidas hasta el de 1804. Mandada formar por el Señor Don Carlos, IV, 6 vols., Impresa en Madrid, 1805-29, lib. vii, tit. xxvii, ley ix; Klein, 18. Also see the map facing page 18 in Klein, which shows the most important sheep highways.

The reason for promoting the migratorial sheep industry, for keeping open the cañadas, was, in the main, to help fill the royal coffers; the King was constantly looking for new sources of revenue. Royal toll gates were set up along the cañadas and the owners were assessed dues in accordance with the number of sheep that each possessed.¹⁹

It was the custom for some owners to sell sheep in town markets along the way to the southern pastures. They were called merchaniegos. In some instances, non-migratory sheep of inferior quality of flesh and wool were purchased by shepherds during the stay in the southern pastures; these sheep, called chamorras were sold on the trek northward.²⁰

The Spaniards did all possible to improve the merino breed. At periodic intervals from earliest times they introduced African rams to improve the Spanish stock. Efforts were made to exterminate the churro, an ancient Iberian species, which produced reddish wool of inferior quality.²¹ Extremes of climate were avoided and perennial pasturage was provided by the migratorial system. Possibly the greatest boon to the pastoral industry, however, was the organization of the Mesta for

19. The total number of sheep migrating annually from 1477 to 1563 is given in Klein, 27.

20. Ibid., 28-29.

21. Ibid., 6.

the purpose of protecting all the best interests of the
 22
 sheep owners.

The origin of the Mesta, or sheep owners' fraterni-
 ty, can be traced to the local meetings of Castilian
 herdsmen during the early Middle Ages. They held stated
 meetings two or three times a year to enforce the ordi-
 nances of the fuero, or town charter, pertaining to the
 grazing industry; their particular function was to see
 23
 that all stray animals were assigned to their owners.
 These meetings were usually well attended by persons
 interested in sheep-raising. In order to vote in the
 meetings an owner had to have at least fifty sheep;
 women had equal rights with men in the meetings. All
 matters pertaining to both the migratory and non-migra-
 tory herds were given consideration. It is well to re-
 member that the chief function of these meetings was to
 24
 assign strays, or mostrencos, to their rightful owners.
 These gatherings were called mestas because of the fact
 that the strays were mezclados or mixed with other
 herds.

In 1273, Alfonso X authorized the incorporation of

22. Ibid., 7.

23. Ibid., 9.

24. Ibid., 10. Strays were called mostrencos or mesteños. From the latter term we get the word "mus-
 tang," the cowpuncher's pony of our southwest. See
 note 6.

all the herdsmen of Castile into a great national association known as the "Honorable Assembly (consejo) of the Mesta of the Shepherds."²⁵ Many of the ordinances of the local mestas became a fundamental part of the later codes of the national body. In 1347, Alfonso XI made further provisions to strengthen this formidable corporation. The national mesta laid claim to all stray animals and paid particular attention to the enforcement of the regulations regarding branding, and the punishments for altering or defacing brands. The national organization concerned itself, in the main, with the mesteños of the migrants; local strays among sedentary flocks were disposed of by the town mestas. The officials of the national body were variously called alcaldes de Mesta, alcaldes de corral, or alcaldes de cuadrilla.²⁶

That Spanish political machinery during the Middle Ages was democratic and attentive to the minutest details of administration cannot be doubted. In 1492, Malpartida, the legal expert of Ferdinand and Isabella, prescribed the ordinances which regulated the internal organization of the national Mesta.²⁷ Changes and

25. Ibid., 12; see also Rafael Altamira y Crevea, Historia de España y de la civilización Española, 5 vols., Barcelona, 1929, II, 210.

26. Ibid., 13.

27. Ibid., 49.

supplements were made in these ordinances by Palacios Rubios, another legal adviser, in 1511. These regulations pertained to Mesta meetings, elections, qualifications for membership, duties of the president and other officials, and the privileges and obligations of sheep owners and shepherds. These topics merit an examination in some detail.

In the early years, three meetings of the Mesta were held annually. After 1500 there were only two meetings - the Spring meeting, probably in late February or early March, in the south, and the Fall meeting in the north, in early September. ²⁸ Each meeting lasted approximately twenty days. The officials and members at each meeting were directly responsible to the king for all their acts. They were to look constantly for ways and means to add revenue to the royal treasury; they could do nothing to contravene the orders

28. Ibid., 50. Klein gives rather wide latitude to the time of the meetings, stating that the meeting in the south was in January or February, and that in the north, in September or October. The specific dates of the meetings are given as March 4 and September 4 in Teatro de la legislación universal de España e Indias por orden cronológico de sus cuerpos y decisiones no recopiladas y alfabético de su títulos y principales materias. Su autor Don Antonio Xavier Perez y López del Claustro y Gremio de la Real Universidad Literaria de Sevilla en el de sagrados canones, su diputado en la Corte, abogado del ilustre colegio de ella, e individuo de la Real Academia de Buenas Letras de dicha ciudad, Madrid, MDCCXCI, 28 vols., Tomo XXIV, 52, cap. 1. (Hereinafter cited as "Teatro de la legislación.")

of the king; without a license from the king, the meetings could be held on none other than the above dates. The council in March was held in the territories where ordinarily the sheep were present, and that in September, in the sierras where they were during the summer. At each council the place was chosen where the following meeting was to be held.²⁹ Meetings were often held in a church, but during clement weather they took place in the open fields. Although forty was a quorum at the sessions, the attendance usually was between two and three hundred.³⁰ This was only about ten percent of the owners who had paid their royal tolls, which entitled them to attendance and the privileges of full-fledged membership. For certain members attendance was compulsory. Brothers of the Mesta, or other owners of herds, were not compelled to go to the Mestas unless they had another person's herds; they were to confess by a simple declaration that they had stray animals, and that they desired to bring them to the Mesta to ascertain who the rightful owners were and to deliver them forthwith.³¹

There were four main centers where the Mesta meetings were held, namely, Soria, Segovia, Cuenca, and

29. Teatro de la legislación, XXIV, 52, cap. 2.

30. Klein, 50.

31. Teatro de la legislación, XXIV, 56-57.

Leon.³² Each of these cities was located in a quadrilla, which was made up of several bishoprics. Votes were taken at the meetings by cuadrillas: i.e., each cuadrilla met separately, decided on its course of action, and then presented its decision through a cuadrilla leader to the whole organization.

The President was the most important of Mesta officials. Besides presiding at each meeting, he heard complaints against members, fellow officers, and the entregadores, or royal itinerant justices. In making investigations of the office of entregador, he formed a link between the Mesta and the central government.³³ He was assisted in making his investigations by two diligent scribes who went out with his instructions and the customary interrogatory. The scribes went at the cost of the Council of the Mesta, assisted the local alcaldes in conducting suits, examined witnesses, and brought their findings back to the council.³⁴ All prisoners found guilty by the local officials were sent to the President in order to be punished in accordance with the royal will; he also collected all fines and added them to the royal treasury.³⁵ The President's administrative power extended to the renting of pasture

32. Klein, 51; Teatro de la legislación, XXIV, 55.

33. Klein, 52.

34. Teatro de la legislación, XXIV, 53, cap. 4.

35. Ibid., cap. 5.

lands: any person who did not own herds could not rent grass lands under penalty of half of his goods; if he had no goods, he was given one hundred lashes publicly. Another important power of the President was to decide which cases were to be tried by local *alcaldes* and which ones came under the jurisdiction of the *entregador*.³⁶

At first the President was appointed for life, but in 1522 the term of office was set at two years. His salary varied from 8000 to 14000 reals annually; he also got an allowance of 5000 reals "for expenses." Because of the dual character of his office as a member of the Royal council and President of the Mesta, he wielded a powerful influence in Castilian affairs.³⁷

The contadores and receptores were in charge of the financial affairs of the Mesta. Their accounts were audited annually by the President and his assistants. If the accounts were not correct and a deficit were found, the treasurer had to repay the loss threefold. The Mesta's income was made up, for the most part, of fines levied by the *entregadores* and the money obtained from the sale of stray sheep (*mostrencos*).³⁸

The alcaldes de cuadrilla or alcaldes de mesta

36. Ibid., 54, cap. 6.

37. Klein, 53.

38. Ibid., 55.

were the most important officials charged with the administration of the internal regulations of the Mesta. At least two of these officials were elected by each of the four cuadrillas for four-year terms. While their particular duty was to assign strays to their rightful owners, they had the following additional functions: to see that sick herds were not permitted to mingle with well ones, thus preventing the spread of contagious diseases; and to recognize damages between Brothers of the Mesta.³⁹

Procedure in conducting local cases was regulated in minute detail. General denunciations could not be made, but the particulars in every case had to be presented at trials: the criminal had to be named, with the day, month, and year when the offense was committed. Cases were tried in the vicinage before the ordinary justices, or before the alcalde of each cuadrilla. If there were no Mesta in the locality where the offense was committed, the offender was tried in the next town, or at the nearest Mesta. All the income from trials in the way of fines and rents was divided among the Royal Chamber, the Council of the Mesta, and pious works.⁴⁰

In case anyone was not satisfied with the decisions of the alcaldes de cuadrilla, or mesta, he could address

39. Teatro de la legislación, XXIV, 57.

40. Ibid., 56-57.

his case to a board of alcaldes de apelaciones who sat at each session of the Mesta. There were four judges of appeal, one from each cuadrilla, who heard these cases.
41

Although the members of the Mesta had certain obligations, they enjoyed many privileges. Precautions were taken to minimize all sources of trouble to the owners. No shepherd was permitted to neglect his flocks, to sell them, or to change any brands; he was not allowed to demoralize himself by drinking strong wine. Members of the Mesta could not be imprisoned for debt and they were exempt from military service. Shepherds were allowed to bear arms for self defense against wolves and the constant depredations of gypsies and other plunderers. In some instances the crown appointed special guards to protect the shepherds and their flocks while on the journey. Herdsmen were also exempt from summons as court witnesses. The royal taxes (servicio, sisas, millones, and pechos) were paid usually in their home towns.
42

Wages of herdsmen were generally paid in kind at the end of a year's service, which began on June 24. A year's wages in the middle of the fourteenth century

41. Ibid., 56. Cf. Klein, 55.

42. Klein, 56-58. Cf. Boletín de la Real Academia de la Historia, Madrid (1914), LXIV, 202-219, where Klein enumerates the privileges of the Mesta in Spain, 1273-1276.

was twelve bushels (fanegas) of grain, one-fifth of the lambs, one-seventh of the cheese produced by the flock during the year, plus six maravedís⁴³ in coin for every hundred of sheep cared for. The Mesta could not increase salaries without a royal license. The report book of the Mesta was kept by the fiscal; his duty was to keep an account of salaries, receipts, and expenditures of the organization, to inform the Council of the Mesta of any monetary claims against it, and to pay such claims as were legitimate. Inaccuracy or incompetency on the part of the fiscal incurred a penalty of⁴⁴ suspension of office for a period of two years.

The wages mentioned above were paid to the unskilled, ambulatory herdsmen. Higher wages were paid for skilled or professional labor. Unfortunately the account books of the Mesta do not begin until 1510. These books and the records of the Hospital de Antezana supply salaries or wages for thirteen classes of labor: six professional, six skilled, and one unskilled; representation in the trades and professions was proportionately very high. It is difficult to ascertain precise-

43. Ibid., 58. The actual purchasing power of the maravedí is difficult to determine. Klein estimates that 34 maravedís equals 1 real equals 25 centimes. See note 7. From 1501 to 1602 the maravedí represented .094 gram of pure silver. See Earl J. Hamilton, American Treasure and the Price Revolution in Spain, 1501-1650, Cambridge, 1934, p. 318.

44. Teatro de la legislación, XXIV, 73.

ly what skilled wages were, due to a gap in the Mesta
 45
 payrolls from 1563 to 1582.

It has already been noted ⁴⁶ that the Spanish monarch kept in touch with rural areas and local mestas by means of the office of the entregador. The antecedents of this important office can be found in medieval England and Italy. During the Plantagenet period in England, Henry II (1154-1189) administered justice in local areas by creating justices in eyre, or itinerant judges. These judges went on regular circuits and acted as executive and judicial spokesmen of the king. ⁴⁷ In a similar manner, the entregadores had charge of the administration of affairs pertaining to the pastoral industry in all the Mediterranean peninsulas. Sheep raising in this area had many common characteristics: there were similarities in topography which necessitated annual migrations between winter and summer pastures; there were communal ownership and regulation of pasturage; special judicial officers were delegated to protect herdsmen in their traditional hostility with husbandmen. In Italy the regulation of the semiannual sheep migrations antedates the time of Cicero and Varro,

45. Hamilton, American Treasure and the Price Revolution in Spain, 264.

46. See above page 7.

47. Charles Homer Haskins, Norman Institutions, Cambridge, 1918, p. 165. Cf. Klein, 67-68.

and this regulation was continued throughout the Middle
 48
 Ages.

Although the migratory pastoral industry existed
 in the earliest recorded history of Castile, there were
 no forerunners of the entregadores previous to the
 49
 founding of the Mesta, in the thirteenth century.
 Local town charters, or fueros, contain provisions regu-
 lating pastoral matters, but none of the clauses provide
 for a special magistrate to settle disputes between
 herdsmen. With the coming of the Moors, however, agri-
 culture became more settled and important. Consequent-
 ly the need arose for itinerant magistrates empowered
 to regulate differences and settle disputes between the
 roving transhumantes and the fixed agricultural element.
 These conditions gave rise to the office of the alcalde
 50
 entregador.

The office of entregador was created simultaneous-
 ly with, or slightly prior to, the organization of the
 Mesta; these events are closely related to the unifika-
 tion of Castile after the Moors had been expelled to
 the south. At first the entregador appears as a direct
 51
 representative of the crown. The earliest extant
 records of the entregador clearly differentiate between

48. Klein, 69.
 49. Ibid., 73.
 50. Ibid., 75.
 51. Ibid., 77.

the alcalde de mesta, or internal judge of that body, and the entregador, the king's personal representative. The Mesta was, to a certain extent, in control of the entregador and responsible for his acts. The President of the Mesta every two years nominated four alcaldes mayores entregadores who were appointed officially by the king to the office of entregador. The President and Council of the Mesta also gave instructions to the entregador and marked out his itinerary.⁵² The entregadores were not allowed to name substitutes to do their work, under penalty of loss of their offices. They were to carry the staff of justice into all parts of the realm in order to make themselves known. They could not be impeded in performing their duties by any local justices.⁵³ They apprehended criminals and convicts and lodged them in jails, usually within five leagues from where they held their courts. If the case were pecuniary, they made the necessary collections; if it were necessary to seize the goods of a bondsman, they did so, and sold them within four leagues from the spot where they had taken them.⁵⁴

The most important functions of the entregadores were as follows: to keep open the sheep walks of the

52. Teatro de la legislación, XXIV, 59, ley 2.

53. Ibid., 59-60, ley 3.

54. Ibid., 60, ley 5.

transhumantes and to see that drinking troughs and resting stations were well kept; secondly, to restrict encroachment on the public pastures and cañadas by neighboring land owners and tenants; thirdly, to protect shepherds from violence and abuse at the hands of local officials, robbers, and highwaymen.

The Mesta charter of 1284 specified the duties of
55
the entregador regarding the cañadas:

... they shall keep open the cañadas and the highways, and shall make seizures for any trespass upon them by those who would cultivate them or enclose them; and the measure of the cañadas shall be six sogas de marco at forty-five palmas to each soga. This measure has references to the cañada where it passes through vineyards and grain fields; and the entregadores shall so mark and maintain it.

It is interesting to notice that the width of cañadas was definitely fixed only where they were adjacent to cultivated fields. In the uncultivated areas the sheep could rove where they would.

The second major function of the entregador was to restrict encroachments on public pasture lands. This
56
has been summarized as follows:

No one, even if he be a councilman, and no community, shall make pastures without a royal license.

55. Klein, 89. Cf. Teatro de la legislación, XXIV, 67-8, ley 22, as follows: "the measurement of said sheep paths shall be six cords of standard measurement, each cord forty-five spans, which make ninety varas; and this standard is understood for grain fields and vineyards; and those who deceive, or occupy said paths ... shall be condemned to 500 maravedís"

56. Teatro de la legislación, XXIV, 70.

They shall not be conceded the means for renting the pasture, who have herds in the land, vineyards, olive groves, or fruits raised even for the benefit of the town itself; and those conceded for the payment of donations, exemptions, and other transactions, shall last only for the time of their concessions. Said alcaldes shall proceed against those who make new pastures, or increase them from the public lands; and they shall make every pasture, drinking trough, sheepfold, trail, resting place, and untilled land, be free; and they shall chastize those contravening, in pecuniary penalties, according to their means, which shall not exceed 10,000 maravedís, which shall be delivered to the Council of the Mesta, alcalde, and fiscal; and they shall be executed notwithstanding.

Licenses for breaking pasture lands could not be given by any local council or junta, even for public cause. And it was the duty of the entregadores to punish all persons who used such licenses. The entregadores were charged to see that any pasture land broken against the laws and provisions should be returned to the common domain. For lands broken after January 18, 1565, the entregadores were to condemn the persons, councils, or communities, which worked them or broke them, to 1000 maravedís for each fanega⁵⁷ of seeded land, on condition that for the first offense it should not exceed 50,000 maravedís; for the second offense, the penalty was double that amount, not exceeding 100,000 maravedís; all this was to be executed notwithstanding appeal. A third of the penalty went to the royal cham-

57. Presumably this means the amount of land that could be sowed by a fanega, or approximately a bushel of grain.

ber, and the other two-thirds was divided equally among the Council of the Mesta, the entregador who pronounced the sentence, and the fiscal who brought suit in the

case.⁵⁸ If common land which had been broken were re-

turned to the common pastures and then broken again, or occupied by any person, council, or community whatso-

ever, the penalty was doubled regardless of how heavy

it was in the first condemnation.⁵⁹ The only exception

in these regulations was in the Kingdom of Murcia; in

this area the entregadores and other judges were not to

recognize the breakings in common pastures and unculti-

vated lands; this was due to the mountainous terrain.

A royal license was also necessary before one could plant a vineyard. All infractions of this regu-

lation were dealt with in the manner described above,

and similar penalties were meted out.⁶⁰

The third major duty of the entregador was to pro-

tect the sheep owners from the abuses suffered at the

hands of local officers, robbers, highwaymen, and

others.

Said alcaldes shall care for and go with the herds of the royal cabaña⁶¹ in order that they be secure, guarding the five prohibited things (cosas vedadas);⁶²

58. Teatro de la legislación, XXIV, 69.

59. Ibid., 68.

60. Ibid., 69.

61. That is to say, all the transhumantes on which royal tolls had to be paid.

62. These were the vineyards, grain fields, winter

and in going from one audiencia to the others they shall go by way of the cottages and trails where said herds are accustomed to go, and administer justice through June, July, and August; they shall proceed with great modesty, and be on time when the laborers are in the harvest of grain; and they shall investigate the occupations of the cottagers according to the manner which this law would dispose; and also (they shall investigate) violations of the privileges of the council and their herds

The entregadores had almost complete jurisdiction over enclosures. He made careful observation of all public lands to which the Mesta claimed access, and forbade any enclosures of them either for cultivation or for the benefit of non-migratory flocks. According to the early Mesta charters the migratory herds were to have access to unclaimed wooded areas, the bosques, and the waste lands, or baldíos. Non-migratory herds had exclusive rights to town commons, or the pastos comunales, and to the rastrojos, or fields of grain stubble. There were several other special types of enclosures: the corrales de mostrencos where strays were detained until their owner was found; the sanjuaniegos for horse breeding purposes; the dehesas boyales for oxen; the muladares where manure and other refuse was deposited; the colmenares for beehives; and the carniceros where animals for slaughter were kept. As a rule the migratory flocks had no access to these enclosures. In the

and summer common pastures, orchards, and mown meadows or fields of the scythe (prados de guadaña). See Teatro de la legislación, XXIV, 70; Klein, 303.

sixteenth century, however, the entregadores kept encroaching upon local jurisdiction and restricting the enclosure of town commons for arable or for any of the special purposes just referred to. They did this against the royal will at first; but later, due to usage,⁶³ these aggressions were legalized.

Such legislation obviously led to difficulties. Many conflicts ensued between the entregador and the local administrative and judicial authorities. In the supervision of the cañadas and common pastures he was accused by the town officials of encroachment upon their own sphere of jurisdiction. This struggle between the entregadores and the local justices was due to inconsistencies between national and local legislation: the king had given the Mesta permission "to pasture freely in all parts of the realm without payment of any taxes or imposts," but the town was given the right "to exclude all stock coming from outside the limits of its jurisdiction."⁶⁴ An effort was made to protect local interests from abuses by the entregador by sending with him an alcalde of the town who was the leading local executive and judicial official. This local judge, however, was ineffectual for he could do little more than express his dissenting opinions in certain

63. Klein, 93.

64. Ibid., 98.

suits.⁶⁵ The only real check on the abuses which local authorities suffered at the hands of the entregador were the specific limitations of his letter of appointment which restricted him to litigation between the owners of transhumantes and those who occupied the land.⁶⁶ Constant bickering between the entregadores and the local officials eventually led to an attempt to abolish the office of entregador as detrimental to local interests, and in 1307, the Cortes asked "that there be no more entregadores, and that the local justices hear all complaints made by shepherds."⁶⁷ This attempt failed, but was repeated in 1313, and failed again. It was then agreed that the entregador and the local alcalde should hear cases jointly, each with equal powers. This method of jurisdiction proved satisfactory to all parties concerned for almost two centuries, until the advent of Ferdinand and Isabella.⁶⁸

It is well to remember that the entregadores were few in number, but that they were accompanied by a large number of bailiffs, clerks, notaries and other assistants. This following was always a source of annoyance to the townspeople. When the entregadores entered upon their duties they gave to the corregidores

65. Ibid., 100.
 66. Ibid., 101.
 67. Ibid., 102.
 68. Ibid., 103.

and ordinary justices an authorized copy of instructions on which were written the names of the officials who were to assist them; and in case others used these offices, "the justices finding them in the act shall send them as prisoners to the council with the information, in order that the council and the entregadores should punish those who were named or given commission"⁶⁹ The royal council determined what officials should accompany the entregador. Usually a⁷⁰ prosecuting attorney, a fiscal, a scribe, and two constables went along to assist the entregador in the⁷¹ performance of his duties. They were also accompanied by the licensed corregidor and his teniente of the town where they held audiencias;

... and if there be none, with the corregidor and his teniente, licensed, from the nearest town within five leagues; and if there be none, with the alcalde ordinario of their audiencias, being royal; and if there be none, with whomever is nearest within five leagues, making known to the parties the nomination and giving time in order to make information of their justice; and with no pretext of being accompanied with any of their ministers, nor others who go in their company, under penalty of nullification of their decrees and of suspension from office and of whatever else justice would require

The scribe kept all accounts in the memorandum book. One of his important duties was to make payment of, and record, all salaries of those who accompanied

69. Teatro de la legislación, XXIV, 64.

70. Klein, 92, note 2.

71. Teatro de la legislación, XXIV, 62.

the entregador. All salaries were determined by the
royal council.⁷²

No judges of the Mesta, nor of any other similar tribunal, could recognize a case in which an alcalde entregador had given freedom to the parties, under penalty of nullification of the decrees, and for the judge, suspension from office for two years, and of 50,000 maravedís, a third to the royal Chamber, and the other two-thirds to the Council of the Mesta and pious works, plus the damages and personal costs of the suit.⁷³ Cases of appeal could be admitted by the entregador to the chancillerías, and to no other tribunal.⁷⁴ There were two of these chancillerías, one at Valladolid, organized by Henry II, in 1371, and the other at Ciudad Real, established in 1494 and transferred to Granada in 1505. To be appealed to these chancillerías a case had to involve at least six thousand maravedís; all cases under this figure were taken to the town assembly.⁷⁵

It is interesting to notice that the entregador was to deal with cases individually and no general laws were to apply to certain categories of cases:⁷⁶

... for their inquiry they shall not admit general demands without inquiring into the damage which is sought,

72. Teatro de la legislación, XXIV, 62.

73. Ibid., 61.

74. Ibid., 63-64.

75. Klein, 112.

76. Teatro de la legislación, XXIV, 66-67.

who seeks it, from whom, and when, under penalty of suspension from office, 20,000 maravedís to the royal Chamber, nullification of decrees, and restitution of costs and damages

Although there were no specific requirements as to the qualifications of officials who accompanied and assisted the entregador, brothers of the Mesta were preferred. The offices of fiscal, scribe, and constable were always filled by brothers in good standing. These officers were chosen by lot: for each office three persons were named; lots were cast in the presence of the President, and the man whose name was drawn first gained the office.⁷⁷

That the towns were always insistent on the residencia of the entregador is certain. The townspeople felt that they were constantly being abused by this royal itinerant justice and they were happy when the time came for him to give an account of his official acts at the close of his term of office. Having finished their itinerary and carried out the instructions which were given them,

... in all recognitions they shall aid the juntas and Council of the Mesta, at the times which are set for them, to give residencia of their offices, and to bring all condemnations which they have made ... under penalty of forfeiting their salaries, except if it should impede ordinary justice, having made the precise requirements⁷⁸

77. Ibid., 55.

78. Ibid., 71.

By the charter of 1273, the entregadores were required to attend at least one meeting of the Mesta each year, where members could present their complaints against him. In 1499 an agreement was made between the Count of Buendia, proprietary entregador, and the Mesta, that the entregadores could not leave the meeting until every complaining member got justice.⁷⁹

It is well to keep in mind that one of the most important functions of the Mesta as it existed in Spain was to assign stray animals to their rightful owners. Regulations pertaining to strays are very minute in detail. In general, the entregador had jurisdiction over cases involving stray animals belonging to brothers of the Mesta.⁸⁰ It was the custom for persons finding strays to pen them up, to identify the sheep by their brand, and to notify the owner; and if the owner should not come to claim them, the person holding the strays claimed one sheep, and notified the local judge that he had the herd penned up; if the owner should not come still, one-tenth of the whole flock was taken for the damages, or cost of their care.⁸¹ If someone should

79. Klein, 108.

80. Teatro de la legislación, XXIV, 71.

81. Teatro de la legislación, X, 110. From Fuero Juzgo, lib. 8, tit. 5, ley 4. The Fuero Juzgo of the Visigoths, was the oldest Spanish code, which regulated the pasturage of migratory flocks. This regulation applied not only to sheep but also to goats and cattle. See Ibid., ley 5.

kill or injure a strange animal, maliciously or otherwise, he was compelled to pay another such animal to the owner; if he were a servant, ten lashes were given him; if he were a free man, he paid a penalty of five sous.⁸²

No one was allowed to put strays on a threshing floor to thresh grain without the consent of the owner; a violation of this regulation incurred a penalty of a sou for every two head so used; and if some such animal should die, unless it be by chance, he was compelled to pay a sou, and besides another beast of equal value.⁸³

If a stray animal be injured and should die, or grow thin, by the injury, the owner was to receive another such animal, or its value in money.⁸⁴

In case any stray animal should do damage, or encroach upon the rights of others, the owner of the animal had to pay the damage as the court commanded.⁸⁵

No person was permitted to bring a stray with him to his house without making it known; if he did so, and did not inform the council within eight days, he had to pay double the value of the animal.⁸⁶

Travellers going in the roadway were permitted to leave their animals to graze in

82. Ibid., 104; from Fuero Juzgo, lib. 8, tit. 4, ley 8. The sou was a French coin of 5 centimes corresponding to the English "half penny."

83. Ibid., ley 11.

84. Ibid., ley 10.

85. Ibid., ley 12.

86. Ibid., 105, ley 14.

the lands and locations which were not fenced in, as long as they did no damage such as chewing the bark of trees; this privilege was limited to two days in each locality, unless the owner gave his consent to a longer stay.⁸⁷ No person was permitted to put a stray animal

where it could not find pasturage; the punishment for this was severe - four head of such beasts were to be paid to the owner; and if the offender be a servant, he was given one hundred stripes.⁸⁸

It is interesting to notice that branding regulations were anything but intricate in the Fuero Juzgo. In these famous records only one brief clause pertains to brands:

No one can crop the ears of, or brand an animal which is found astray, nor sell it, nor mark it; and if he should brand, crop the ears, or mark it, he shall be assessed three sous.⁸⁹

Punishment for the theft of animals was usually very severe. Only in the most serious cases of theft was capital punishment inflicted; in lesser crimes of similar nature heavy damages were paid. The nature of the penalty varied in different localities, depending on custom:

Capital punishment shall be incurred for theft of beasts, ... if that be customary; but if it has not

87. Ibid., 107, ley 27.

88. Ibid., ley 26.

89. Ibid., 110; from Fuero Juzgo lib. 8, tit. 5, ley 8. See also Klein, 13, note 3.

been customary, they shall not have the death penalty ... But if someone should damage a number of head of the herd, as ten sheep, five hogs, four horses, or other such animals of these species, he ought to lose his life; and if the damage be minor, he shall be chastized as a thief, and banished for ten years from these dominions. 90

Interesting are the regulations concerning dogs. The owner of a sheep-killing dog had to deliver up the dog to the damaged party, or kill it; and not doing either, he was compelled to pay double all subsequent damages which it should do. ⁹¹ People were permitted, however, to have watch dogs to discourage night prowlers. If a dog should attack anyone by day and injure him, the dog's master had to pay the damage, or deliver the dog to the injured person. If the dog attacked the person during the night, the owner of the dog was not assessed any damages. ⁹²

Special provision was made to regulate damages done to crops through the fault of the owners of sheep, or other livestock. All damages so done were viewed and appraised by good and skillful men in the neighborhood and paid accordingly by the owner of the stock. But if the herd had committed the damage without blame

90. Teatro de la legislación, XVI, 152-153.

91. Teatro de la legislación, X, 106; from Fuero Juzgo lib. 8, tit. 4, ley 20; "el dueño del perro que matarse ganado, lo entregue a quien hizo el daño, o lo mate, y no haciendo uno ni otro, peche en duplo el daño que hiciere despues."

92. Ibid., lll; from Fuero Juzgo lib. 2, tit. 5, ley 3.

of the owner or shepherd, the satisfaction was very simple: the animals doing the damage were forfeited. The owner of the farm could not kill, injure, or damage the animals which he found doing the damage without taking them out and making his demands before the local judge.⁹³

Damages done by the flocks to grain fields or vineyards belonging to another person were graduated and based on ability to pay. A wealthy person was forced to pay the appraised damage and one sou for each head of sheep or cattle doing the damage; a man of lesser means had to pay one-half the appraised damage, but had to suffer sixty stripes; if he were a servant, and of low social and financial status, he paid no pecuniary penalty, but merely suffered the sixty stripes.⁹⁴ In some instances damages done to grain fields and vineyards were paid in equal land, grain, and fruit.⁹⁵ At certain times of the year, particularly during harvest, or when grass crops were in the growing stage, sheep and other animals were permitted to graze only in specially designated areas. Again, the penalty for infringement of this regulation depended on who committed the offense.⁹⁶

93. Ibid., 119, ley 24.

94. Ibid., 100; from Fuero Juzgo lib. 8, tit. 3, ley 10.

95. Ibid., ley 11.

96. Ibid., ley 12.

We have already noted the jurisdiction of the Mesta over strays. Any person finding stray flocks in his grain fields, vineyards, orchard, or pasture was required by law to bring them to his house without abuse, pen them up, and let the owner know of his doings. Then in the presence of him and his neighbors the damage was regulated; both parties and their witnesses were presumed to be present. The law repeatedly insisted that all stray animals were to be treated humanely.⁹⁷ Anyone who abused strays in ejecting them from grainfields, vineyards, or while holding them in sheep-folds was heavily fined, or having no money with which to pay the penalty, was given corporal punishment; if he were a man of wealth, he was forced to pay eight sous to the damaged party; if he had no means, he was given a hundred stripes.⁹⁸ In case an owner of strays, having been notified, should not come nor send for them, the neighbors regulated the damage, which the judge awarded to the damaged party. The flock was then held for three days at the end of which time it was let go; and if the owner did not find it, or make amends, he had to pay double damage.⁹⁹ All flocks leaving the grain fields or vineyards voluntarily could not be held; damages

97. Ibid., 100-101, ley 13.

98. Ibid., 101, ley 14.

99. Ibid., 101-102, ley 15.

could be assessed only if someone drove them away.

Cropping the ears of strays was strictly forbidden; any person who tried to make strange animals seem to belong to him by this procedure was compelled to pay the right-¹⁰¹ful owner others equally good. It should be re-

membered that the alcaldes de cuadrilla heard local disputes between stock raisers, and settled all questions regarding the ownership and care of mostrencos or strays. They had jurisdiction, in the main, over mat-¹⁰²ters involving non-migratory flocks. The entrega-
dor, or royal itinerant justice, had jurisdiction over¹⁰³
mostrencos in the migratory herds.

It is a truism that the problem of raising taxes was almost insoluble to the Spanish monarchs, if indeed they attempted to solve it at all. From the advent of Ferdinand and Isabella in 1474 through the Hapsburg regime, beginning in 1516, no phase of administration needed reform more imperatively than that of fiscal matters. Royal inefficiency, impotence, and incompetence squandered the income of the crown and abused the financial affairs of towns, nobles, and the clergy. In order to add to the royal coffers the sheep industry was heavily taxed. Possibly the most common

100. Ibid., 102, ley 16.

101. Ibid., ley 17.

102. Klein, 75.

103. Ibid., 89.

tax on sheep and the one that yielded the most substantial income of the crown was the servicio y montazgo, or royal tax collected at toll gates along the sheep walks.¹⁰⁴

The crown resorted to all sorts of excesses, irregularities and abuses in the collection of local taxes: one method of exploitation of local areas was to renew old enclosures on the cañadas, obstruct free passage of the flocks, and force the shepherds to trespass on town property; a damage called tajados was assessed for such "trespassing."¹⁰⁵

Another tax on sheep was the law of the cruzada, which entitled the Catholic Kings in 1484, 1496, and 1502 to certain mostrencos to help finance the crusade against the Moors.¹⁰⁶ The diezmos, or tithe, of the transhumantes was collected by the ecclesiastical orders for the benefit of the church.¹⁰⁷

One of the principal sources of royal revenue was the alcabala, or sales tax, which reached transactions in all local markets; the townspeople strenuously objected to this tax.¹⁰⁸

Another common tax which applied to all imports

104. Ibid., 190.

105. Ibid., 203. If herds were driven back because of war, the owner was not compelled to pay toll. See Teatro de la legislación, XV, 12.

106. Ibid., 15.

107. Ibid., 240. This tax actually was not the tenth of all the migratory flocks. It was sometimes called medios diezmos, and varied from one-twentieth to one-fortieth.

108. Ibid., 260.

and exports, including sheep was the almojarifazgo, an ad valorem duty collected at the gates of some Andalusian towns; the usual rates were five per cent on imports and two and a half per cent on exports. Woolen goods shipped outside Spain were also subject to the almojarifazgo:

... on each exportation of wool from Spain to Flanders, by sea or by land, they shall pay to the King a ducat of gold valued at 375 maravedís; and of those taken to France or Italy, two ducats; if they take foreign wool at their own risk to Flanders, they must pay two ducats; if to France or Italy, four ducats ... and no council, university, nor privileged person shall be excused from paying it 109

Exported woolens were also regulated in respect to weight: "In order to avoid fraud, each exportation of wool taken to Flanders shall not exceed eight and one-half arrobas; to France and Italy it shall not exceed ¹¹⁰ ten arrobas of twenty-five pounds each"

Another provision to discourage fraud in the tariff collection was that which designated certain sea ports of exportation. Woolens exported through ports other

109. Teatro de la legislación, XIX, 25. The same tax (four ducats) was paid on woolens taken through the land ports of the Kingdoms of Aragon, Valencia, Navarre, and Portugal, as if it were taken to Italy or France. Land ports to the various Kingdoms were designated as follows: to Valencia, by way of Yecla and Requena; to Aragon by Yunta and Ciria; to Navarre by Alfaro and Logrono; and to Portugal by Badajoz and Ciudad Rodrigo; these ports were used unless it should appear to the Contadores Mayores that they ought to be taken through ports other than those mentioned here. See Ibid., 26.

110. Ibid., 25.

than the following ones were seized as contraband:

... those which have to be taken through the archbishopric of Cadiz shall go through the ports of Seville, Cadiz, and Santander; those of the Kingdom of Granada, through Malaga; those of the Kingdom of Cartagena, through Cartagena; those of the Province of Guipuzcoa and the coast of Vizcaya, through San Sebastian, Bilbao, Laredo, Castro de Urdiales, San Vicente de la Barquera, and Santander; and those of the Kingdom of Galicia, through Coruña. 111

On arriving at these various ports with the wool, the persons who brought it were obliged to go to the houses and before the persons whom the Contadores Mayores should point out. And before the scribes they were to declare on oath what quantity of wool they desired to take out, whose it was, and who had part and company in it. The owners of the wool, or partners in the transaction, had to take out letters patent and a license from the tax collectors. And if a company of men desired to export woolens, they had to pay the tax pro rata, according to the part which each person had in them. All woolens which were not so registered were appropriated and applied to the King. No person could load woolens for export without first procuring the letter and license from the person proposed by the King, under penalty of losing the ship and its cargo. The ship master was required to declare the ports of destination of the ship, and if he sailed to any port other

than that declared, the ship and its cargo were confiscated. Similar testimonies had to be made at the destination where they unloaded and sold the wool, and if fraud in any way were discovered, the woolens were seized half for the King, one-fourth to the judge who should pronounce the sentence.

Inseparable from the story of taxation on woolens and sheep is the account of the fairs and markets along the sheep walks. Many shepherds bartered wool, sheepskins, meat, and cheese for supplies necessary to feed and maintain the flocks, and a flourishing trade developed between the migrating shepherds and the wayside townsmen. Any person who took sheep or woolens to the fairs were subject to the following regulation:

... they shall take the flocks, wool, and merchandise to the fairs and register them at least before the scribe, two witnesses, the renters, inspectors and collectors, noting down what they take, and on what day it arrives ... and if they should sell some on that day before they make it known, they shall pay the alcabala double to the renter, inspector and collector.

It should be kept in mind that the Mesta was not a commercial organization; it owned no sheep, nor did it

112. Ibid., 27.

113. Ibid., 28.

114. Recopilación de leyes de los reynos de las Indias. Mandadas imprimir, y publicar por la Magestad Católica del rey Don Carlos II, nuestro señor. Va dividida en quatro tomos, con el índice general, y al principio de cada tomo el índice especial de los títulos, que contiene ... 4 vols., Madrid, A. Balbas, 1756, lib. ix, tit. xix, ley xxix. (Hereinafter cited as "Recop.") See also Teatro de la legislación, III, 35.

participate in the fairs or markets. Fundamentally it was a guild, or protective association, operating for the best interests of its members. Since the passage of sheep over the cañadas and common pastures could not fail to encroach upon local agricultural interests, there were incessant quarrels between farmers and herdsmen. It will be remembered that Alfonso X gave permission to the herdsmen to organize the Mesta. While not actively taking any part in the fairs and markets and not attempting to profit financially from them, the Mesta secured every possible advantage for its members. All activities subversive to the sale of sheep were discouraged; goat owners were compelled to deal exclusively in goats, and could not barter or sell sheep or cattle.¹¹⁵

No gypsy could sell anything at the fairs without testimony of the neighborhood; he must give information of his herds, and of the brand on them, under¹¹⁶ penalty of being held as a thief.

Units of weight and measure were specifically designated and depended upon the kind of article for sale. Wool was weighed: "in arrobas, hats by the dozen,

115. Teatro de la legislación, XV, 15.

116. Ibid., 13. Expulsion of the gypsies and of the Moors after the capture of Granada rid the country of roving peddlers, notorious in rural areas. In 1476 the national Hermন্দad or brotherhood of rural police was organized to apprehend gypsies and to exterminate lawlessness in country districts. Klein, 42.

small pelts the same ... paper in reams ... and all other things as was the custom, a bar, a pound, a hat, a quire, and so on."

The development of overseas wool trade was coincident with the rise of the Mesta. The national Cortes laid down strict rules to prevent foreign competition in the fine wool trade. The Mesta did everything in its power to expand the overseas wool trade, advancing the argument that this was the best source of royal revenue and a means of making outside customers debtors of Castile. To this end the Consulado or foreign trade house of Burgos was established in 1494, and in 1511 another such institution was established at Bilbao on the north coast. Its purpose was "to expedite shipping by organizing the exportation of goods in fleets, to prevent fraud and theft by merchants and intermediaries."

The Consulado of Burgos was the immediate forerunner of the famous and formidable Casa de Contratación established in Seville in 1503. This institution had complete control over the transatlantic flota system, a device for the management of all kinds of trade with the New World.

117. Teatro de la legislación, XIV, 76.

118. Klein, 37.

119. Ibid., 39.

120. Ibid., 40; C. H. Haring has treated all

Wool trade did not decline as long as the Mesta was properly functioning. The first signs of weakness, both in internal and external woollen trade, are noticeable during the early years of the reign of Philip II. This decline was due, in the main, to two conditions: Philip's desire to raise his income by placing exorbitant export duties on wool, and the ruthlessness of the export judges who attempted to enforce Philip's decrees.
121

It has already been noted¹²² that one of the important functions of the Mesta was the administration of all matters pertaining to the common pastures. Brothers of the Mesta had many pasturage privileges that non-members did not enjoy. The crown and the Cortes were obviously in sympathy with the Mesta's efforts to improve the lot of the migratory herdsmen, because the tolls paid on the transhumantes swelled the royal coffers. In 1551, the Cortes, because of the high price of meat due to the breaking up of the common pastures and lack of grass, ordered that the mountain areas, ejidos, and all public pasture lands, be used as pastures; those public pastures which had been broken

phases of this subject adequately in Trade and Navigation between Spain and the Indies, Cambridge, 1918.

121. Klein, 46.

122. See above page 9.

up were to be restored.¹²³ All herds which grazed in the public pastures were required to be registered and the registration fee had to be paid; and whoever should do otherwise was liable to lose his herd to the legal authorities.¹²⁴

As a rule, in Spain, as well as in other Mediterranean countries, migrants grazed on crown lands and the pasturage was had only for the toll. Prices of pasture, not in the commons, were regulated by law. If a herdsman were aggravated by excess pasture prices, he and the owner of the grass land were to name a person to declare the just price, expressing the quantity of the pasture ground and the number of animals to be pastured thereon; and if the decision of this person should cause discord between the two parties, they were to name a corregidor who in turn nominated a justice from his town; and the decision of these two officials was executed. All appeals in these cases were taken to one of the chancillerías.¹²⁵

Sheep-owners protected themselves against unreasonable pasturage prices by restricting competition among the members of their organizations. No one was permitted to out-bid a brother of

123. Altamira y Crevea, Historia de España y de la Civilización Española, III, 449. This law was re-enacted in 1552, 1575, 1580, 1589, 1609, and 1633.

124. Teatro de la legislación, XIX, 29.

125. Teatro de la legislación, XXIV, 57-58.

the Mesta in order to gain pasturage rights; even an ecclesiastic was forbidden to do so; and in order to avoid frauds in this matter, the penalty of three thousand maravedís was to be paid to the royal chamber, to the owner of the pastures, and to the justice who conducted the case.¹²⁶

Respect for local property rights, both private and communal, was guaranteed by the towns through agreements and leagues. Special provision was made for sheep pasturing in the mountains during acorn time; the owner of the mountain pasture was to be paid in accordance with the size of the flocks pasturing there.¹²⁷ Provision was also made to prevent quarrels between owners whose herds varied in size: "if two companions quarrel over the acorns because one has put in a larger herd than the other, or because he is the owner of more goats in the mountain, then they shall put them in the part of land corresponding to one"¹²⁸

We have already seen that the rights of owners of grain fields, orchards, and vineyards were respected, and that herds were forbidden to pasture in these places.

126. Ibid., 58. Cf. Klein, 329.

127. Teatro de la legislación, X, 190; from Fuero Juzgo, lib. 8, tit. 5, ley 1. The amount paid was usually a tenth. If someone stole the sheep before the tenth was paid, the servant who tended the flocks was given a hundred stripes for his negligence. See Ibid., ley 3.

128. Ibid., ley 2.

It is interesting to notice that sheep, for a part of the year, at least, were an exception to this rule.

"The provision that at no time of the year shall herds enter vineyards is understood for goats and cattle. Sheep, after the fruit is gathered, can enter the vineyards and olive groves where it has been the custom for them to seek common pasture."¹²⁹

The pro-Mesta edicts of Philip II, in the years 1566, 1580, and 1582 asserted the pasturage rights of Mesta members as against the non-migratory owners.¹³⁰ With these edicts the collapse of the Mesta's pasturage privileges began. The townspeople resisted all encroachment by the transhumantes. For the first time, in the long struggle between the nomadic herdsman and the fixed agricultural settler, did the tide turn in favor of the latter. The townsmen became more and more successful in their litigations against the encroachments of the Mesta. The power of the entregador was gradually limited, and more power was concentrated in the local officials.

The Mesta in Spain was a national institution because of its widespread activities and influence. It

129. Teatro de la legislación, XV, 15. This may have been because the sheep could not reach so high into the branches, and consequently did less damage to the trees and vineyards than did the goats and cattle.

130. Klein, 331.

was a guild in a real sense because it protected the rights of its members, guarded and facilitated all their business transactions, and was a means by which the royal treasury was maintained. It was one of many institutions which was transferred from the parent country to the New World, and came to constitute an element in the lives of the pioneers in overseas administration.

CHAPTER II. THE BEGINNINGS OF SHEEP-RAISING IN NEW SPAIN

Unlike the Greek policy of colonial expansion which treated each new colony as a distinct and independent state, only with ties of religion, trade, and sentiment, the Spaniards adopted the Roman concept of colonization in which new colonies became an integral part of the empire.¹ Spain undertook a policy of expansion by adding to her own territory that of New Spain almost as though the latter had been a province of her own. Like all other countries colonizing in the New World, Spain transferred her institutions to America;² she introduced her own laws, customs, systems of tilling the land and of industry, her arts, science, and religion.

That there were grave defects in the Spanish system of administration is generally conceded by historians. It is true, however, that Spanish colonizing schemes antedated those of the English and French by a century, and in many respects Spain's colonial government was no less adequate, and certainly was more carefully planned

1. For a good discussion of this see Frank W. Blackmar, Spanish Colonization in the Southwest, Baltimore, 1890, pp. 14-22.

2. This subject is adequately treated by Charles H. Cunningham, "The Institutional Background of Spanish American History," in Hispanic American Historical Review, I, 24-39.

than those of her rivals. It is well to remember that many impediments were in the way of transplanting Spanish culture to America. The interests of the ruling house had to be kept in mind rather than the needs of the colony. The long ocean voyages hampered free communication, and made it particularly difficult to transport useful domestic animals in large numbers. Further difficulties were due to geographical complications in the interior of New Spain; the centers of population were on lofty inland plateaux. Since the Mexican Indians could not be exterminated, but could be profitably exploited, it became necessary to superimpose Spanish institutions upon an aboriginal population. In spite of those handicaps the government which Spain established in America was well adapted to the problems which confronted her there.

Immediately after the discovery of the New World by Columbus in 1492 the Spaniards turned their thoughts to permanent colonizing schemes. Realizing that agriculture and stock-raising were essential to permanent settlements, they brought with them many different kinds of seeds and various species of livestock. Columbus brought with him on his second voyage to the West Indies in 1493: "mares, sheepe, heyghfers, and such other of both kinds for increase."³

Farmers were encouraged to come to the New World and the Spanish Government adopted a liberal policy toward agriculture. Farmers on the second expedition of Columbus were loaned wheat and livestock - to be repaid later in one-tenth of the crop.⁴ In the insatiable quest for gold and silver to afford funds for the Spanish crown to carry on its European wars, the rich mining areas of New Spain and Peru were soon exploited; it became increasingly evident that, in the long run, more revenue could be obtained by the proper development of agriculture and stock-raising. By decree of the crown in 1532 all ships sailing from Spain to the Indies were required to take plants and animals to be raised in the New World.⁵

The Spaniards are accredited with the introduction of almost all kinds of livestock, poultry, and other domestic animals: "sufficient to cite some of such utility as the horse, cow, mule, sheep, goats, cats, dogs, chickens, geese, and ducks."⁶

It is interesting to notice that, of all these ani-

in America, New York, 1923, p. 111. (Hereinafter cited as "Carrier.")

4. Ibid., 108.

5. A. Curtis Wilgus, A History of Hispanic America, Washington, D. C., 1931, p. 140.

6. D. Antonio Ballesteros y Beretta, Historia de España y su influencia en la historia universal, 8 vols., Barcelona, 1919, IV, segunda parte, 635. (Hereinafter cited as "Ballesteros y Beretta.")

mals, the sheep was generally considered the most useful and profitable. The sheep had long been the favorite of the Spanish Kings, and in the New World it was to become the favorite of the viceroys. By nature, sheep are docile, tractable, easily managed, not fastidious in their appetites, but willing to eat and destroy many weeds along with the good forage; and because it is instinctive for them to linger on the hill-tops, they fertilize the soil where it is needed most. It was much more convenient for the early colonizers to bring them, and other small animals, along on the expeditions, than it was to bring cattle or horses; the ships in those days were small and the sheep did not take up so much space; there came times on the voyages when the supply of hay and grain for the sheep ran low, or the food stores for the settlers themselves were exhausted; in either case, the hardy pioneers could slaughter the animals and enjoy the fresh meat on ship-board.⁷ Obviously this was the only way by which they could have these delicacies while on the voyage.

Particular attention was paid to the problem of sanitation on the ships. In each fleet certain ships were designated to carry poultry and livestock. The captains' ships were required by law to be kept in

7. Carrier, 256.

good, sanitary condition:

... there shall be no hen-roosts on them, nor shall they carry nor take herds of sows or sheep, because they could not navigate the ships with the cleanness which is necessary, nor shall there be any cooking places, nor other commodities which impede military exercise. 8

Isabella and her immediate successors were particularly interested in the development of agriculture and stock-raising in the new colonies. They introduced domesticated animals from Spain and the Canaries. For the most part, these animals thrived well in the new lands. Cattle, sheep, and horses increased so rapidly that many of them were not needed for domestic use, and they often reverted to a semi-wild state.⁹ Approximately a century later the English and French began to introduce agriculture and stock-raising into their respective colonies.¹⁰

There were no sheep native to the New World. The Rocky Mountain sheep was a wild animal very unlike the imported Spanish merino.¹¹ This sheep, often called

8. Recop., lib. ix, tit. xxviii, ley xiv. The captain's ship evidently was where military training took place.

9. Haring, Trade and Navigation between Spain and the Indies, 124.

10. Carrier, 239.

11. For a description of the native wild animals of Mexico see Carlos Maria de Bustamente, Historia general de las cosas de Nueva España, que en doce libros y dos volúmenes escribis, el R. R. Fr. Bernardino de Sahagun de San Francisco y uno de los primeros predicadores del santo evangelico en aquellas regiones, y dedicado a nuestro santísimo padre Pío VIII, 3 vols.,

the Big Horn, was described by Spanish writers as the sheep of California. Their natural habitat was on the prairies west of the Mississippi and in the Rockies from Canada and southwardly to a little below the Rio Grande; their extent westward was as far as the Cascades and coast ranges of Washington, Oregon, and California, and followed the highlands some distance into Mexico; they were more abundant in the northern latitudes than in the southern. These sheep were described by Father Piccolo, when the first mission was founded in California, in 1697:

... two sorts of deer that we know nothing of; we call them sheep, because they somewhat resemble ours in make. The first is as large as a calf of one or two years old; its head is much like a stag, and its horns, which are very large, are like those of a ram; its tail and hair are speckled and shorter than a stag's, but its hoof is large, round, and cleft as an ox's. I have eaten of these beasts; their flesh is very tender and delicious. The other sort of sheep, some of which are white and others black, differ less from ours. They are larger and have a great deal more wool, which is very good and easy to be spun and wrought. 12

These are descriptions respectively of the Rocky Mountain goat and of the Rocky Mountain sheep. When caught young these animals were readily tamed, but it is doubt-

Mexico, 1829, III, 149-158. (New edition in 5 vols., published by P. Robredo, Mexico, 1938.)

12. Ezra A. Carman, H. A. Heath, John Minto, "The History and Present Condition of the Sheep Industry in the United States," U. S. Department of Agriculture Special Report, Bureau of Animal Industry, Washington, 1892, p. 12. (Hereinafter cited as "Dept. of Agric. Special Report.")

ful that they were ever crossed with domestic sheep. Their natural habitat in summer was in heights of the mountains, where they were often found single; when they descended from these isolated haunts in the winter in search of more fertile pasture in the valleys below, they were gregarious, going under the guidance of leaders.¹³ Humboldt claims that this animal resembled the mouflon (*ovis ammon*) of Sardinia. The Spaniards called them carneros cimarones or wild sheep:

They leap, like the ibex, with their heads downwards; and their horns are curved on themselves in a spiral form. According to the observation of M. Constanzo, this animal differs essentially from the wild goats, which are of an ashy white (*blanc cendré*), larger and peculiar to California, especially in the Sierra de Santa, in Monterey. Moreover, these goats which belong to the antelope race, go in the country by the name of berendos, and, like the chamois, have their horns curved backwards.¹⁴

Mecham claims that certain sections of New Spain, particularly Neuva Vizcaya in the north central plateau, were very sparse both in plant and in animal life. In other localities wild game was found in varying quantities; the most common wild animals were the mountain goat, lion, puma, and jaguar. None of these animals, however, were ever domesticated. The turkey, llama,

13. Jennings, 19.

14. Alexander de Humboldt, Political Essay on the Kingdom of New Spain, 4 vols., London, 1811, II, 327. It would seem, from Humboldt's description, that this sheep resembled the merino ram, both in appearance and in fighting instinct.

and dog are the only native, American domesticated animals. The fact that native domestic animals were so few made widespread cultivation of land, and stock-raising, impossible among the natives; they had neither iron tools nor draft animals; the Andean llama came nearer taking the place of the horse than any other animal.¹⁵

Count de Buffon, in his Natural History, however, contends that no animals were properly American; he believes that all animals came from Asia; he upholds the Biblical doctrine of the saving of animals after the flood.¹⁶ Untenable are these ideas, but equally nebulous is his contention that the climate in America was destructive to domestic animals. Because the sheep which were introduced from Spain to the island of Barbados did not thrive well there because of the wet weather, he makes the broad assertion that the climate of all America was unfavorable to sheep-raising.¹⁷ He contends that the hot climate of Barbados caused sheep

15. J. Lloyd Mecham, Francisco de Ibarra and Nueva Vizcaya, Durham, 1927, p. 17.

16. D. Francesco Saviero Clavigero, The History of Mexico, collected from Spanish and Mexican historians, from manuscripts and ancient paintings of the Indians, 2 vols., London, 1807, II, 212. On page 277, however, Count de Buffon claims that seventy species of animals belong to the New World, and on page 284 Clavigero makes note of such an inconsistency. (Hereinafter cited as "Clavigero.")

17. Ibid., 306.

to undergo great alterations. "In the hot countries of the New World sheep in general do not thrive, and the flesh of wethers is not good, ..." ¹⁸ He admits, however, that sheep-raising was possible in New Spain: "In the cold and temperate countries of New Spain they have multiplied superiorly to bulls, their wool in many places is as fine as the wool of the sheep in Spain, and their flesh as well tasted as any in Europe" ¹⁹ That the climate in the New World was favorable to sheep-raising is generally conceded by good authorities. Commenting on the effect of climate on the wool-producing qualities of the animal, Dr. Henry S. Randall explodes the idea that warmth of climate is injurious to sheep:

My convictions are decided, and the facts reported appear to fully sustain them, that warmth of temperature ... is not injurious, but absolutely conducive, to the production of wool. The causes of this are involved in no mystery. Warm climates afford green and succulent herbage during a greater portion of the year than cold ones. Sheep plentifully supplied with green herbage keep in a higher condition than when confined to that which is dry. High condition promotes those secretions which form wool. Everyone at all conversant with sheep well knows that, if kept fleshy all the year round, they produce far more wool than if kept poor ²⁰

Bourne claims that both the climate and the soil of

18. Ibid., 305.

19. Ibid., 310.

20. Message from the President of the United States, communicating, in answer to a Senate resolution of June 17, 1878, information on the subject of sheep-raising, p. 68.

America were favorable not only to sheep, but to all European domestic animals. Soon after settlements were made stock-raising became one of the most profitable industries of the soil. Many animals were slaughtered for their hides and hoofs and meat was very low in price. Ere long a large portion of the Spaniards were acquiring great wealth in the stock-raising industry.²¹

The Rocky Mountain Big Horn and any other type of sheep in the natural state are covered, for the most part, by hair; wool is the result of culture and good treatment. Climate obviously has some influence on the density of wool, and the colder the climate, the denser the fleece grows. Lack of food, moreover, causes the fleece to be thin, coarse, and hairy.²² The early Spanish settlers were encouraged to care properly for their flocks and to attempt to improve them in every way possible.

We have already noted that on his second voyage to the New World Columbus introduced the domesticated sheep. With visions of permanent settlements in the land which he discovered the previous year in mind, he

21. Edward Gaylord Bourne, Spain in America, 1450-1580, New York and London, 1904, p. 299. Stock-raisers in the early English colonies did not fare so well as did the Spanish breeders. Probably this was due to the fact that the English Government was less paternalistic and less interested in sheep-raising than were the Spanish Monarchs.

22. Craig, 37.

stopped early in the voyage at Gomera, one of the Canary Islands, on October 5, 1493. After replenishing his wood and water supply there, he purchased sheep, calves, goats, and hogs to stock the island of Hispaniola.²³

About the middle of December, 1493, these animals were landed at Isabella, on the island of Hispaniola, one of the first Christian settlements in the New World. Supply ships coming from Spain subsequent to this voyage included sheep in their cargoes, which were brought to Hispaniola and Cuba. Solorzano comments on the rapid increase of the various kinds of animals just introduced into the new lands:

The abundance and multiplication of poultry, herds, and other terrestrial animals, especially of those brought from Spain can be understood only by relating that, in the island of Española, before we went to it, there were only three or four kinds of quadrupeds, and they, small, like rabbits. And now it is full of innumerable domestic animals, above all, herds of cattle which fill the mountains and pasture lands, without owners, and are killed only for the profit from their hides which are taken to Spain in great quantity. 24

23. Dept. of Agric. Special Report, 18. According to Las Casas, from the eight hogs which Columbus brought over on this voyage swine propagated rapidly and the new settlements enjoyed an abundance of pork.

24. Política Indiana, compuesta por el Doct. D. Juan de Solorzano Pereyra ... Divida en seis libros, en las quales con gran distinción, y estudio se trata y resuelve todo lo tocante al descubrimiento, descripción, adquisición, y retención de las mesmas Indias, y su gobierno particular, assi cerca de las personas de los Indios, y sua servicios, tributos, diezmos, y encomiendas, como de la espiritual, y eclesiástico cerca de su doctrina: patronazgo real iglesias, prelados, prebendados, curas seculares y regulares, inquisidores, comisarios de cruzada, y de las religiones ... Con dos in-

The herds of sheep on the island of Española soon totaled fifty thousand head; there were three thousand goats,²⁵ and innumerable horses, mares, and mules. From these islands sheep were carried to the isthmus of Panama and other parts of the mainland, and in 1521 one of the conditions imposed upon those who set out to found new settlements was that some responsible person was to agree to certain specific terms of settlement; one of these conditions was that poultry and livestock should be taken to the new settlements; and "within a specified time there must be from ten to thirty settlers, each with one horse, ten milch cows, four oxen, one brood mare, one sow, twenty ewes of Castile, six hens and a²⁶ cock."

Exploring expeditions from Cuba and Hispaniola to the mainland usually included different kinds of livestock. Many of these animals, particularly horses and cattle, were left at various points along the Gulf where the explorers chanced to land. Some of these herds

dices muy distintos, y copiosos. ... Sale en esta 3 impresión ilustrada por el Licenc. D. Francisco Ramiro de Valenzuela ... 2 vols., Madrid, M. Sacriestan, 1736-39, lib. i, cap. iv, 12. (Hereinafter cited as "Solorzano, Política Indiana.")

25. Joaquín F. Pacheco y D. Francisco de Cardenas, Colección de documentos inéditos relativos al descubrimiento, conquista y colonización de las posesiones Españolas en America y oceanía, sacados en su mayor parte del real archivos de Indias, 42 vols., Madrid, 1864, I, 19.

26. Dept. of Agric. Special Report, 18.

were dispersed by the Indians and became the foundation stock of the large herds of wild cattle and horses which later roamed the western plains.²⁷

Possibly the earliest explorer to attempt to introduce sheep-raising on the mainland was Francisco Hernández de Cordoba, a rich Cuban planter. In 1517, he set out with three vessels which he had organized and equipped. Although his principal object was to capture Indians to be sold as slaves in Cuba,²⁸ he envisioned permanent settlements, and asked the permission of the Cuban governor, Velázquez, to act as the governor's lieutenant in the new lands. Such permission was granted, and sheep, pigs, and mares were brought on ship-board, so that stock could be raised if settlements were formed.²⁹ Cordoba, however, did not realize his objectives. In an encounter which ensued between his followers and the natives he was wounded, and died a few days after his return to Cuba.

That sheep and cattle were first introduced into Mexico by the Conqueror, Hernán Cortés, is fairly certain. He collected these animals in different parts of the Antilles.³⁰ Since the purpose of his first two ex-

27. Carrier, 109.

28. Francis A. MacNutt, The Letters of Cortés, 2 vols., New York and London, 1908, I, 15.

29. Hubert Howe Bancroft, History of Mexico, 3 vols., San Francisco, 1883, I, 7.

30. Ballesteros y Beretta, IV, segunda parte, 634.

peditions into Mexico was to convert or to conquer Montezuma and his warriors, he did not include sheep in the equipment of these expeditions; they were primarily expeditions of conquest, and the only livestock taken along were horses; sixteen cavalry horses were included in the first expedition, in 1519;³¹ and thirty were on the second, in 1521;³² after the military phase of the conquest was over, the Conqueror turned his attention to agriculture, stock-raising and other industries that made for a prosperous colony.

Cortés brought "ganados de todas maneras ... y asimismo de muchas plantas" See Joaquín García Icazbalceta, Bibliografía Mexicana del siglo XVI, Mexico, 1886, p. 194.

31. Bancroft, History of Mexico, I, 69. A full account of all the equipment of this expedition is given on this page and on page 70, note 22. Due to the stinginess of Governor Velázquez none of these expeditions were over-stocked with supplies. In order to get sufficient meat for the voyage Cortés seized the town meat supply from Fernando Alonzo, and paid for it with a gold chain which he wore. See Francisco López de Gómara, La conquista de México, segunda parte de la crónica general de Indias, 2 vols., Madrid, 1877 (from Biblioteca de autores Españoles), I, 300. Cf. MacNutt, The Letters of Cortés, I, 20. Indeed the sixteen horses were hardly sufficient when the struggle ensued between Cortés' soldiers and Montezuma's braves. In describing this encounter Cortés says: "... one horse was killed, and God only knows how great a loss it was to us, and how much sorrow his death occasioned in our ranks, as next to God our greatest security was in our horses." See George Folsom, The Despatches of Hernando Cortés, the Conqueror of Mexico, addressed to the Emperor Charles V, written during the conquest, and containing a narrative of its events, New York and London, 1843, p. 164. Incidentally this, like many other portions of his letters, reflects something of the Christian character of the Conqueror.

32. Ibid., 595.

The threefold purpose of Cortés was to spread the faith, to subjugate the Indians to Spanish rule, and to possess their treasures. One of the means to these ends was the furtherance of agricultural interests in the new lands. Cortés requested that all vessels bound for New Spain bring in seeds and plants of different varieties, and different kinds of domesticated animals. Exports of livestock increased so rapidly from Santo Domingo and other islands to New Spain that restrictions had to be placed upon them, else the islands would suffer irreparably from the drain and gradual transfer of the animals. Cortés strenuously objected to these restrictions in his fourth letter to the king:

I have likewise, most Catholic Lord, been informed, by ships from the island that Your Majesty's judges and officials living in the island of Hispaniola have ordered a prohibition to be published by the public crier against exporting, under pain of death, any mares or other breeding animals to New Spain; and they have done this with intention of forcing us always to buy beasts and cattle from them which they sell at excessive prices. This they should not do, for the mischief done to Your Majesty is notorious, for the peopling and pacification of this country are retarded 33

Before setting out on the Conquest, Cortés lived in Santiago, which had the largest population on the island of Barucoa. While living there, he took an interest in the breeding of cows, sheep, and mares. His interest in the sheep industry is shown by the fact

33. MacNutt, Letters of Cortés, II, 217.

that he had all the available provisions for shepherds,
 34
 and he had flocks of ewes.

After the Conquest Cortés' greatest achievements were done. When he returned from Spain to the City of Mexico, in 1530, he took up his residence in the city of Cuernavaca, which rivaled Mexico City in beauty; it overlooked a wide expanse of country, the fairest and most flourishing portion of the lands he conquered. Naturally he turned his attention to the raising of certain crops and different kinds of livestock; by so doing he improved his vast estate.

He introduced sugar cane from Cuba and it grew luxuriantly in the rich soil of the neighboring low-lands. He imported large numbers of Merino sheep and other cattle which found abundant pastures in the country around Tehuantepec. His lands were thickly sprinkled with groves of mulberry trees, which furnished nourishment for the silk worm. 35

34. López de Gómara, La conquista de México, I, 297.

35. William H. Prescott, History of the Conquest of Mexico, 3 vols., Philadelphia, 1867, III, 332; Dept. of Agric. Special Report, 18; MacNutt, Letters of Cortés, I, 58. The claim that Cortés introduced the merino breed is doubtless untenable. Humboldt states that "it is probable that the first sheep introduced were not merinos; particularly they were not of the Leon, Segovian or Sorian breed." See Political Essay on the Kingdom of New Spain, III, 50-51. Mecham in Francisco de Ibarra y Nueva Vizcaya, p. 208, accredits Cortés only with the introduction of cattle into New Spain; in note 8 he states that Antonio de Mendoza, the first viceroy, imported sheep. Aiton more specifically and correctly asserts that Mendoza's sheep were "ganado merino muy buen de Castilla." See A. S. Aiton, Antonio de Mendoza, First Viceroy of New Spain, Durham, 1927, p. III, note 89. (Hereinafter cited as "Aiton.")

From this center sheep went forth in great numbers, and they became the progenitors of the immense herds which later roamed on the Mexican plateau and the plains of New Mexico, Utah, and Texas. Cortés was assisted by royal order and by the Casa de Contratación of Seville in his efforts to improve agriculture and stock-raising in the new lands: a royal decree of June, 1523, ordered this formidable House of Trade to send Cortés, in convenient seasons, quantities of plants, trees, and

seeds.³⁶ His finest plantations on which he raised livestock and grain were located in the valley of Oajaca. The most important stock-raising center was at Matlaltzinco; near Coyuhuacán were several farms, and at Rincoñada de Izcalpán, sugar plantations. These plantations grew more numerous in time; mulberry trees were planted at Yauhtepec, Tetecla, and other places; cattle stations were located at Matalango; horses were bred at Tlaltizapan; sugar mills were erected at Quauhnahuac and

Coyuhuacán.³⁷ In his last will and testament Cortés provided that his sheep should be turned over to his daughter; she was allowed to keep what herds he had already given her:

I direct that Dona Catalina Pizarro, my daughter by Leonor Pizarro, wife of Juan de Salcedo, a citizen of Mexico, be given the full amount of the income and

36. Bancroft, History of Mexico, II, 133, note 5.

37. Ibid., 134, note 8.

increase of the cows, mares, and ewes which I gave her when she first came to the Kingdom of Mexico 38

She also inherited all the flocks belonging to the Conqueror: "I declare that all the cows and flocks at Matalango belong to my daughter, Doña Catalina, and to the said Leonor Pizarro, besides all the mares and colts at Taltizapan, which bear her brand of a large E on the haunch."³⁹

Sheep were taken from the islands to many places other than New Spain. Francisco Pizarro, early in January, 1531, sailed from the Bay of Panama on his third expedition in the conquest of Peru. After he had conquered that country, Spanish sheep from Panama were taken there. Although the exact date of the introduction of sheep into Peru is uncertain, it probably was before 1556. Concerning this Garcilasso de la Vega wrote in 1600:

The sheep of Castile, which we call so to distinguish them from those of Peru, to which the Spaniards improperly give the name of sheep, since they are neither like them in shape, nor color, nor anything else, as we have shown in due place; these sheep, I say, of Castile, I know not when they were first imported into Peru, nor by whom. The first that I ever saw were in the fields about Cuzco, in the year 1556, and were then sold, one with another, at the rate of forty pieces of eight a head [\$40], and some of the prime at fifty 40

38. MacNutt, Letters of Cortés, I, 87-88, Article XXV.

39. Ibid., 88, Article XXIX.

40. Dept. of Agric. Special Report, 18-19.

In 1531, two ships were sent from Sancti Espiritu laden with sheep and other beasts, men, and arms to assist Francisco de Montejo, the governor of Yucatan. ⁴¹

By a royal cédula of 1532, plants and herds were to be taken regularly to Mexico. All matters pertaining to their regulation were in the hands of the government of Mexico. The cédula required that residencias should be made regularly in order that justice be done to His Majesty. ⁴²

Trade relations soon developed between Peru, Spain, and New Spain, and at the Puerto Bello fair, wares of many kinds were displayed and exchanged among these two colonies and the mother country. Wool, alpaca wool, and guanaco wool were three of the most important commodities exchanged by the colonists at the fair for certain Spanish staples. A considerable quantity of wool was exported from Peru to Spain. ⁴³

From Peru the Castilian sheep were introduced into Chile, about 1550, where they propagated rapidly, and were considered more valuable for their flesh than their wool. Castilian sheep in Chile gradually de-

41. Francisco del Paso y Troncoso, Epistolario de Nueva España, 1505-1818, 15 vols., Mexico, Vols. I-VI, 1939; Vols. VII-XV, 1940. (Hereinafter cited as "Paso y Troncoso") II, 65.

42. Ibid., 168. A letter to the Empress from Nuño de Guzman, June 12, 1532.

43. Allyn C. Loosley, "The Puerto Bello Fairs," Hispanic American Historical Review, XIII, 324.

veloped into two distinct types: sheep bred in the low-lands were long-legged and long-backed with small bodies, with a poor quality of mutton and wool; the type raised in the mountains produced mutton of a better flavor, and a finer quality of wool. From the same spot in Peru the Castilian sheep were taken gradually southwardly and eastwardly across the continent to Paraguay and finally to the plains of the La Plata.⁴⁴

That geographical factors in New Spain were favorable to sheep-raising is an established fact. Since the natural habitat of sheep is on high ground, sheep thrived well on the plateau regions of central and northern Mexico. The land was fertile enough to yield grass on which flocks in large numbers could subsist. Torquemada, the European author who travelled through New Spain for many years said of the soil: "... in every season of the year may be seen one crop reaping, another ripening, another still green, and another sowing, which plainly demonstrates the wonderful fertility of the soil."⁴⁵

Since climate depends upon altitude as well as latitude, the cool, arid climate of these high plateau areas was satisfactory to successful sheep-raising.

44. Dept. of Agric. Special Report, 19; Burnley, The History of Wool and Wool-combing, 30-31.

45. Clavigero, II, 269.

The merino sheep, however, is hardy and well adapted to withstand habitual extremes of heat and cold; it can endure the vicissitudes and variations of weather better than any other breed.⁴⁶ For these reasons it could be raised profitably in almost any quarter in New Spain. The excellence of the merino is beyond question. The fiber of its wool is the finest of that of all breeds; the fleece produced by each sheep, provided it has had reasonable care,⁴⁷ is heavier and of greater volume than that of other breeds; they can adapt themselves to any change of climate without deterioration in the fine quality of their wool; not rapacious in their appetites, they can subsist on the coarsest of food; in gentleness and tractableness they are unexcelled. They were doubly serviceable to the colonists in New Spain, and subsequently to the English and French in their respective colonies. Their wool was invaluable for clothing and their flesh for food. When protection could be given them from wolves and other predatory animals⁴⁸ there was

46. Randall, 86. A masterful description of the merino breed is given by Randall on pp. 68-76. Cf. Craig, p. 20 et passim, for a description of the merino and other breeds.

47. The average weight of a fleece from a ram is eight pounds, and for a ewe, five pounds. See Dept. of Agric. Special Report, 132.

48. Sheep are among the most helpless of all animals. Particularly before shearing time, when the fleece is heavy, they can easily be run down and mutilated by dogs or other carnivorous animals. The ram, when at bay, may defend himself with his horns; ewes

little trouble in their maintenance. They could graze on the natural vegetation in summer and gather much of their sustenance from young shoots of shrubs and trees in winter. Soon after the Conquest almost all the Spanish colonists endeavored to keep at least a few of these animals. The Spanish merino ram was preferred to all other types for breeding purposes, and it became the progenitor of most of the Mexican sheep. Spanish leaders considered the raising of these sheep a profitable industry.

With the appointment of Antonio de Mendoza as the first viceroy of New Spain, on April 17, 1535, the name and personality of Cortés were relegated to a less conspicuous position. In many respects the accomplishments of the good viceroy eclipsed those of Cortés. Mendoza's mission was to complete the epic conquest which Cortés had begun; the Conqueror had done little besides carry out successfully the military phase; the conquest, in a larger sense, was not complete until

are hornless, and make no effort to defend themselves. It is interesting to note that Spanish laws regarding sheep-killing dogs were always very stringent: such dogs had to be killed immediately, or delivered to the owner of the slaughtered sheep; obviously he would not tolerate their continued existence. Long after this early period sheep-raisers in the southwestern part of the United States conceived a method of protecting sheep from coyotes. For an account of this see James T. Jardine, "Coyote-proof inclosures in connection with range lambing grounds," U. S. Department of Agriculture, Bulletin No. 97, Washington, 1911, pp. 7-32.

civil administration was strengthened and broadened to include many functions, under the competent guidance of the illustrious viceroy. The story of the Mexican wool industry would not be complete without a consideration of the contributions made to it by Mendoza.

The Spaniards had long preserved the monopoly of the merino breed of sheep with jealous care. To allow their departure from Spain without special permission of the sovereign was punishable by death or heavy penalties, depending on the rank of the offender.⁴⁹ As the merino breed had been the pet interest of the Spanish Kings, so it became the favorite of Viceroy Mendoza. As the head of civil administration in the colony his duties were many, minute, and varied;⁵⁰ besides acting in a governmental capacity he was deeply interested in the development of agriculture and stock-raising. He continued to import cattle, which Cortés had begun, and he also introduced horses and merino sheep. The merinos, however, seemed to have been his hobby and he did all in his power to see that they were properly cared for. In one of his letters to the King he wrote of his special satisfaction because of the rapid increase of these sheep, despite the depredations of Indians and

49. Dept. of Agric. Special Report, 132.

50. López de Gómara, La conquista de México, I, 454.

wild animals.⁵¹ Mutton was the main delicacy in the viceroy's household, and his expeditions were supplied with it.⁵² His own ranches were stocked mainly with merino sheep; he purchased much of the ranch land, bought the sheep, and had the owners turn over to him⁵³ their rights in the land on which the sheep grazed. The viceroy's salary must not have been very substantial, in relation to the demands upon him, because he had need of the products from his sheep; before his ranches were producing to full capacity his expenses were greater than his income, and he had to borrow money to pay his debts.⁵⁴ He encouraged poor people to raise sheep and gave them the opportunity to have estancias where they could keep them, and produce other things which they could sell at a profit.⁵⁵ He also took especial interest in the welfare of the Indians and ordered them, as well as the Spaniards, to breed sheep, and other animals of service.⁵⁶ All of these sheep were of the

51. George Parker Winship, The Coronado Expedition, 1540-42, Fourteenth Annual Report of the Bureau of Ethnology to the secretary of the Smithsonian Institution, 1892-93, in two parts, Washington, 1896, p. 375. (Hereinafter cited as "Winship.")

52. Aiton, 49.

53. Ibid., 48, note 19.

54. Ibid., 49, note 20.

55. Colección de documentos inéditos relativos al descubrimiento, conquista, y organización de las antiguas posesiones españolas de América y oceanía, sacados de los archivos del reino y muy especialmente del de indias, 42 vols., Madrid, 1884, XLI, 153. (Hereinafter cited as "D.I.A.I.")

56. Colección de documentos inéditos de ultramar,

57

merino breed.

During Mendoza's administration, 1535-1550, by royal order, all Indians who lived scattered about the country were to be gathered in towns which were established for them.⁵⁸ All labor on the sheep estancias and in the wool mills was performed by the Indians and mestizos. The viceroy ordered that the wool be woven into cloth, thus founding the woolen cloth industry of New Spain. From this cloth, clothing was made to supply the members in the viceroy's family, and any surplus products were sold in the capital city and in the province of Michoacán.⁵⁹ The viceroy's attitude toward the Indians was very paternalistic. He passed ordinances to moderate their services and lighten their burdens; he ordered that the tributes which they were required to pay their encomenderos be lowered;⁶⁰ his ordinances required that the Indians be paid for their

25 vols., XXII, 206. (Hereinafter cited as "D.I.U.")

57. Klein, in The Mesta, p. 6, discounts the importance of this breed, saying that he found less than a dozen references to merino wool prior to 1600 in all his research, and concludes that it was not in general use until the 17th century. Mendoza, nevertheless, insists that his sheep were good Castilian merinos. See Aiton, 111, note 89. Cf. above p. 63, note 35.

58. George McCutchen McBride, The Land Systems of Mexico, New York, 1923, p. 123, note 31. (Hereinafter cited as "McBride.")

59. Aiton, 111.

60. A. S. Aiton and Agapito Rey, "Coronado's Testimony in the Viceroy Mendoza Residencia," New Mexico Historical Review, XII, 324, note 97.

labor and that they be given food while working, and he stationed officers in the Indian villages to enforce these regulations;⁶¹ at his own expense he trained them in the industrial and mechanical arts, planted mulberry trees and founded the silk industry;⁶² besides reducing their tasks in general, he regulated their food, clothing, and living quarters;⁶³ some of the Indians were wont to cling to their native manner of dress in which they wore little clothing. The viceroy, and the ministers over them in authority, taught them to be more modest and to wear the woolen and cotton garments which they had made and, with little persuasion, they began to dress themselves.

The rapid development of the woolen cloth industry was partly due to the fact that the Indians employed in the mills had formerly been employed in the weaving of cotton cloth. This previous experience made them much more efficient in the manufacturing of woolen cloth, blankets, and clothing.⁶⁴

61. Ibid., 325, note 98.

62. Ibid., note 99.

63. Ibid., 326, note 102.

64. Pablo de la Purísima Concepción Beaumont, Crónica de la provincia de los santos apostles S. Pedro y S. Pablo de Michoacán, 5 vols., Mexico, 1873, IV, 488. Mendoza said that the Indians working with woollens soon learned to wear woolen clothing, where formerly they had attired themselves in cottons. See Aiton and Rey, "Coronado's Testimony in the Viceroy Mendoza Residencia," New Mexico Historical Review, XII, 302, note 33.

That the Spaniards, in general, were predatory upon the ignorant natives, and even upon each other, is shown by the implications of the innumerable ordinances and regulations to discourage such evil practices. The Spanish agents were ever on the alert to exploit the Indians for their own personal gain. Although this pernicious abuse was prevalent in New Spain, it was not so bad there as in Peru. It was against this greed and selfishness of the Spanish agents that Mendoza objected. Eventually the hue and cry of the Indians was raised loudly enough to reach the ears of His Majesty Charles V, who made new laws for the better government of his vassals in the Indies.

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Because of his magnanimous and humane disposition Mendoza merely wanted to see that justice was done the Indians. He did not want them abused, but he was an enemy of laziness and idleness to which so many of them were inclined. In order to combat this the viceroy encouraged them to dedicate themselves to useful arts, such as the weaving of woolen products. Mendoza, nevertheless, was soon to be subjected to a severe residencia.

66

Armed with wide discretionary powers equal to that

65. Ibid., 488-9.

66. D. Vicente Riva Palacio, México a través de los siglos, 5 vols., Barcelona, (undated), II, 361.

of a viceroy, Tello de Sandoval made a secret visit against Mendoza, and published forty-four charges against him on June 21, 1546.⁶⁷ Before Cortés had returned to Spain from the land he conquered, considerable animosity had arisen between him and Mendoza. Tello de Sandoval and Cortés became fast friends before the visitor sailed for New Spain. Contrary to royal instructions, the relations between the viceroy and the visitor were strained from the first. Three of the charges made against Mendoza pertained to the wool industry: in the first place, the viceroy was accused of disobeying the cédula which stipulated that when lands and ranches for sheep were granted, the consent of the city councilmen must be obtained;⁶⁸ secondly, that the viceroy was in partnership with Gonzalo Gómez in the manufacturing of woolen cloth in the town of Tezcoco where he had many wild Indians of Jalisco as slaves and numerous domestic Indians in encomienda. These Indians toiled on the hacienda and the woolen cloth was sold in a shop in Mexico City. Thirdly, the viceroy was charged with possessing ranches, with great herds on them of mares, cows, and ewe lambs. All these activities on

67. A. S. Aiton, "The Secret Visita against Viceroy Mendoza," from New Spain and The Anglo American West, 2 vols., Lancaster, Pa., 1932, I, 4. He had been named visitor on March 8, 1544. See Riva Palacio, México a través de los siglos, II, 335.

68. Ibid., 12.

the part of the viceroy were contrary to the laws of
⁶⁹
 His Majesty.

Chief among the hundreds of substantial witnesses
 who testified in Mendoza's favor at this visita was Fran-
⁷⁰
 cisco Vázquez de Coronado. He testified on January

18, 1547, in Mexico City, and his testimony was valuable
 because he was able to speak as an eye-witness concern-
 ing many of the events under discussion. To the second
 charge mentioned above, namely, that Mendoza had been
 engaging in wool business for profit with Gonzalo Gómez,
 the viceroy himself replied that he was not in partner-
 ship, but only had apprenticed thirty-three slaves and
 other Indians to Gómez in order that they might learn
 the art of producing woolens. He had received some
 cloth from the proceeds of his own wool sold to Gómez,
 which was consumed in the equipment of His Majesty's
⁷¹
 expeditions. To the third charge, namely, that Men-

doza owned sheep ranches contrary to law, he claimed
 that his ranches had been acquired with royal consent
 and that New Spain benefited greatly with the introduc-
 tion of merino sheep which supplied the land with food

69. Ibid., 13. The royal cédula forbade viceroys
 to own property or engage in business; they were to at-
 tend strictly to official business. See Aiton, 48,
 note 19.

70. Aiton and Rey, "Coronado's Testimony in the
 Viceroy Mendoza Residencia," New Mexico Historical Re-
view, XII, 290.

71. Ibid., 301, note. 31.

and clothing.

As a matter of fact, Tello de Sandoval did more than make the above charges to discourage the production of wool in New Spain. His prejudice against the viceroy and his administration is manifested in many letters kept on file in the archives of the Council of the Indies. In a typical letter to Prince Philip, dated November 11, 1545, he wrote:

In other letters I have written to Your Highness of the little necessity which His Majesty has for herds in New Spain, because there is little profit in them and they do much damage; and sometimes others do the damage and say that the herd of His Majesty did it. And so, for this reason, and because of the great pestilence which has happened, all the slaves are dying, and because Your Majesty's negroes which go with the herds were not among them, it appeared to the viceroy and officials of your Real Hacienda that the herd ought to be sold with the negroes, because I have talked and communicated with them, and have made a memorandum of it and send it to Your Majesty 73

All efforts of the visitor to oust the viceroy were in vain. Because of the overwhelming mass of evidence produced by witnesses from every quarter of New Spain in Mendoza's favor, it was obvious that he was innocent of the charges brought against him. But Tello de Sandoval was obstinate and persisted in his attack. The viceroy then appealed to the Council of the Indies, which body considered the case on June 2, 1548. The

72. Ibid., 302, note 32.

73. Paso y Troncoso, IV, 235-236, Sandoval to Prince Philip.

strong evidence in Mendoza's favor coupled with Tello de Sandoval's weak defense caused the Council to decide⁷⁴ in Mendoza's favor, on September 14, 1548. Having been cleared of the charges against him the viceroy turned his attention to new problems.

After the sheep-raising industry and the manufacturing of woolens were firmly established in Mexico, under the able direction of Mendoza, the next step was to see that these pursuits were introduced into other lands which should come under Spanish domination. Exploring enterprises were soon begun into the country to the north with the object of adding new possessions to Spain's empire. There was a certain unruly element in New Spain commonly thought of as the "idle rich"; and accounts of the northern regions, of the culture of their natives, and, especially, of the mineral resources, were greatly exaggerated in order to appeal to this element. Viceroy Mendoza thought it wise to give these men something to do; hence he planned and equipped a great expedition, and officially commissioned Francisco Vázquez de Coronado as leader of the enterprise, on January 6, 1540.⁷⁵ Under the direction and at the ex-

74. Aiton, 170.

75. George P. Hammond and Agapito Rey, Narratives of the Coronado Expedition, 1540-1542, Albuquerque, 1940, p. 6. (Hereinafter cited as "Hammond and Rey.") The Spanish text of Coronado's commission is to be found in A. S. Aiton, "Coronado's Commission as Captain-

pense of the viceroy, they gathered together a great store of supplies, including horses, mules, cattle, pigs, and sheep.⁷⁶ On Sunday, February 22, 1540, Mendoza and other officials journeyed 500 miles northward from Mexico City to hold a review and muster roll⁷⁷ of the great force at Compostela, before it departed. In certain narrow passes, 1005 horses and mules were counted after the expedition had set out.⁷⁸ There were 150 cattle and 5000 sheep on the expedition.⁷⁹ A thousand servants went along to attend to these flocks and herds.⁸⁰

On February 1, 1540 they started out for Rio de Centipac where they were detained three or four days because the sheep had to cross the river one by one.⁸¹

On April 23, 1541, the expedition left the valley of the Rio Grande and set out on the trek into the unknown

General," Hispanic American Historical Review, XX, 83-87.

76. Aiton, 124-125.

77. Winship, on page 377, claims that this important document did not exist. Aiton, however, has discovered and translated it. See The Muster Roll and Equipment of the Expedition of Francisco Vázquez Coronado, Bulletin No. XXX of the William L. Clements Library, 1939, p. 28; see note in Hispanic American Historical Review, XIX, 366. For the Spanish text see A. S. Aiton, "Coronado's Muster Roll," American Historical Review, XLIV, 559-570.

78. Aiton, 125, note 18.

79. Carrier, 104. The figures for all these animals are given in Hammond and Rey, 278.

80. Winship, 379.

81. A. Grove Day, "Mota Padilla on the Coronado Expedition," Hispanic American Historical Review, XX, 92.

82

northern country.

The strange things they saw on the way and some of the stories they brought back are almost fantastic, while other accounts are doubtless accurate. Coronado kept writing letters and sending them back to Mendoza, and these accounts throw considerable light on the events of the journey. The country was level and pasturage for the flocks was abundant. One of the most notable discoveries Coronado made was the Grand Canyon

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of the Colorado.

Of the most interest here were the animals which they saw along the way:

Having journeyed for six days they discovered a herd of wild cows of the country, and many lakes of water, some sweet and others brackish. These cows were smaller than ours, their fleece short and finer than the merino, the outer coat somewhat brown, and beneath a soft dun color. The wool at the hind parts is sparser, and from here to the head grow long manes, more coarse; they have small horns, and in everything else are of the same make as ours, although more lean. 84

Subsequently in the journey they came to some rocks where they found sheep skulls with large horns. Some of the party claimed that they had seen three or
85
four of these sheep and that they were very fleet.

82. Walter Prescott Webb, The Great Plains, New York, 1931, p. 103.

83. Carrier, 104.

84. Day, "Mota Padilla on the Coronado Expedition," Hispanic American Review, XX, 102. The term "cow" as used here is a very broad sense to include sheep.

85. Ibid., 93. These sheep were probably Rocky Mountain Bighorns.

Often while on the journey the animals became so exhausted that they could go no further, and were left by the wayside. Coronado left some cattle in Chiametla for this reason, and they multiplied so rapidly that, when Francisco de Ibarra came to Chiamelta at a later time, he found immense herds of wild cattle.⁸⁶ In many sections which were conquered and explored by these early Spaniards the grazing industry was founded on accidental beginnings.

Not only did sheep outnumber by far the other herds on the Coronado expedition, but also were they included on all the side expeditions which he sent out. That the Spaniards considered sheep a very important part of all these expeditions, and that they desired to protect them is demonstrated by an incident of Melchior Diaz. At Corazones, Coronado appointed Diaz to lead a side expedition toward the South Sea. One night, on the return trip, a dog attacked the sheep which they had brought along for provision, while Captain Diaz was keeping watch on horseback. He galloped at full speed toward the dog and hurled his lance, but his aim was poor and the lance struck in the ground point up. Diaz, unable to stop his charger on time, was thrown on the lance, which pierced his thigh and seriously wounded

86. Mecham, Francisco de Ibarra y Nueva Vizcaya, 29.

him. The soldiers, attempting to hurry him back to safety, were constantly harrassed for twenty days by the Indians. The brave leader could endure the pain no longer and death soon relieved his agony; he was laid to rest by his soldiers in the trackless desert. He had led the vanguard for Coronado on the way to Cibola, besides commanding two side expeditions.⁸⁷

Various other side expeditions throw light on the native Indians and animal life which these pioneers found on the way to Cibola. Notable is the reconnaissance expedition of Friar Marcos de Niza. He found Indians that were well advanced in stock-raising; they also had slaughter houses; they did not know the use of iron, however, even in higher cultures. According to the religious chronicler Motalina,

they found cattle smaller than those of Spain and other animals very different from those of Castile. The people wear good clothes not only of cotton but also of wool, and there are sheep from which this wool is taken (it is not known of what kind these sheep are).⁸⁸

Coronado, in his letters to Mendoza, describes the sheep he saw, and adds an account of the way of life of the Indians: "There are ... some sheep as big as horses,

87. Hammond and Rey, 21; Woodbury Lowery, The Spanish Settlements, 1513-1561, New York, 1901, pp. 306-307; Day, "Mota Padilla on the Coronado Expedition," Hispanic American Historical Review, XX, 95.

88. Carl Sauer, "The Road to Cibola," Ibero Americana, III (Berkeley, Calif., 1932), p. 22; Winship, 366.

with very large horns and little tails. I have seen some of their horns, the size of which was something
 89
 amazing."

After a day's journey from Chichiltecale on the road to Cíbola the advance guard of the expedition saw a large flock of these sheep. Coronado writes:

I saw them and followed them. They were large of body, had abundant long hair, and had very thick, long horns. When they run they raise their heads and rest their horns on their backs. They are fleet in rough country, so we could not overtake them and had to let them go. 90

Coronado found the natives cheerful, submissive, and without fear. They made their living solely from the herds they kept. Their houses, clothing, and shoes were made mainly of skins. They also used a kind of coarse wool in the making of ropes and certain kinds of clothing. Meat was their important food staple, which they ate half cooked; they drank the blood of the animals when they slaughtered them. Large dogs served
 91
 them as beasts of burden. Theirs was a rather crude existence.

The journey to Cíbola seemed endless and was most tiring. The cattle and sheep could not be hurried, and the pack horses and mules were so heavily laden that it was necessary to let them take their own time. After

89. Hammond and Rey, 173; Winship, 560.

90. Hammond and Rey, 212.

91. Winship, 570.

passing through Culiacán Coronado realized that the food supply of the expedition was getting low and that he must hasten to Cíbola. He divided his force by selecting seventy-five or eighty expert horsemen, equipped for rapid marching. Leading them, he hastened forward to open the way for the rest. In this advance expedition he attempted to take some sheep, but they were soon exhausted and he left them in care of four horsemen, at the Yaquimi river, who allowed them to go more moderately. Coronado informed Mendoza of this in a letter:

The lambs and wethers lost their hoofs along the way, and I left the greater part of them which I brought from Culiacán at the river of Lachimi ⁹² because they were unable to travel and in order that they might proceed more slowly. Four horsemen who have just arrived remained with them. They had brought only twenty-four lambs and four wethers; the rest had died from the toil, although they did not travel more than two leagues daily. ⁹³

Before setting out on his great expedition Coronado had been appointed governor of New Galicia by viceroy Mendoza. The anticipation of both of these leaders exceeded their realization; Cíbola and Golden Quivira were not what Coronado expected them to be, and on his return he found disfavor among the chief promoters and organizers of the enterprise. He resumed his duties as

92. The Yaquimi, or Yaqui, river.

93. Hammond and Rey, 164; Coronado to Mendoza, from Old South Leaflets, general series No. 20, pp. 2-3. This is the old version of the letter. See also Winship, 553.

governor of New Galicia, but in a residencia of 1544 he was found incompetent, and negligent of duty. He was removed from that office and spent the rest of his days as a rancher and town officer.⁹⁴ As a rancher he was deeply interested in sheep-raising. In his testimony in the Mendoza visita he said that the benevolent viceroy had given merino rams and sheep to several Spaniards who raised large flocks from them, and that he was one of these fortunate persons.⁹⁵ Leading authorities concur in the opinion that Coronado succeeded in these less arduous duties; they also agree that he was incapable of exercising the office of governor of New Galicia and of undertaking to lead the expedition which bears his name.⁹⁶

From the evidence available it is reasonable to assume that, in these humble beginnings of sheep-raising and the wool industry in New Spain, the greatest and lasting contributions to these pursuits were made by the first viceroy himself. The trail had been blazed by Columbus as early as his second voyage, in 1493, when he introduced sheep from the Canaries into the West Indies. The credit is largely given to Cortés for

94. Aiton and Rey, "Coronado's Testimony in the Viceroy Mendoza Residencia," New Mexico Historical Review, XII, 290.

95. Ibid., 302.

96. Coronado's few years remaining after the expedition are discussed by Aiton, "The Later Career of Coronado," American Historical Review, XXX, 298-304.

the introduction of sheep into New Spain from Cuba and the surrounding islands. But Mendoza overshadows both of these great personalities insofar as the wool industry in New Spain is concerned. He built and improved upon the foundations laid by his two illustrious predecessors. His greatest contribution was in the importation of the merino, or fine wool breed; he tried to improve this breed by proper care and select breeding; he gave sheep to poor and needy Spaniards and to the Indians and encouraged them to raise larger flocks; he founded wool mills and taught the Indians how to weave woolens and make woolen clothing. It was largely due to his influence and vision that the Mesta, or sheep owners' fraternity, was transferred from Spain to the new colony. Sheep-owners in New Spain then began to enjoy the benefits and protection of this interesting institution.

The progress of New Spain during Mendoza's rule, 1535-1550, had been great in many other respects. The conquest of the northern and southern provinces had been achieved; mines had been developed; numerous towns, churches, convents, hospitals and schools had been founded; public works such as roads and bridges had been constructed; agriculture, stock-raising, industry and commerce had greatly increased. The viceroy's constructive deeds in the completion of the Conquest are

well known.⁹⁷ He left excellent instructions to his successors in order that they might profit by his experience and wisdom.

On November 25, 1550, Luis de Velasco succeeded Mendoza as the Mexican viceroy. Conditions in Peru were unsettled and Charles V desired to send Mendoza there to stabilize the government. Velasco had extensive and detailed royal instructions to encourage agriculture and the wool industry in New Spain; this he did, but not with the same interest that Mendoza had in the sheep-raising industry.⁹⁸

At the time of his royal appointment to the viceroyship of Peru Antonio de Mendoza was ill and unable immediately to make the transfer to put that province in order. Mexican royal officials were gravely concerned about his health and notified the king on February 20, 1550, that he would die if he attempted to make the journey to Peru.⁹⁹ He made the journey, nevertheless, and took charge of the government of Peru in September, 1551, and died July 21, 1552. After his death, the proper honor due anyone who held such a high office

97. Aiton's work, Antonio de Mendoza, is the best biographical and institutional study of this great statesman.

98. Dr. Nicolas Leon, Compendio de la historia general de México, primera edición, México, 1902, p. 306.

99. Paso y Troncoso, VI, 3.

was rendered him with befitting ceremony,¹⁰⁰ and a
 testimonial was offered in his favor.¹⁰¹ His influ-
 ence, like that of any other great personality, con-
 tinued to enrich the lives of all who outlived him - in
 New Spain, as well as in Peru.

That the Mexican wool industry left an indelible
 imprint on sheep-raising in the United States, particular-
 ly in the southwest, is not to be doubted. For the most
 part, the climate and soil of our southwest were well
 adapted to the needs of the grazer. The quantities of
 cattle, sheep, poultry, and horses brought by the earli-
 est Spaniards form the basis of the later American
 sheep and cattle industries.¹⁰² Simultaneously,
 Spanish institutions pertaining to these industries
 were also introduced; the Mesta in New Spain became the
 forerunner of the later Cattle Raisers Association in
 the United States.¹⁰³ By the end of the sixteenth cen-
 tury all agricultural implements had already been trans-
 ferred to America.¹⁰⁴

100. D.I.U., XV, 187-188.

101. D.I.A.I., VI, 515.

102. Harry Bernstein, "Spanish Influence in the
 United States," Hispanic American Historical Review,
 XVIII, 59.

103. Ibid., 47.

104. Ibid., 49. In 1520, by royal cédula, the
 following tools were sent to the new world: 200 hoes,
 200 spades, 6 grinding stones, 6 sharpening stones, 200
 clamps, 200 plough paddles, files, pliers, and various
 other small tools, in addition to every kind of seed.

The Spaniards did more than transfer their equipment, seeds, and livestock into our southwest. The Indians, particularly the Navajos, owe much to the Spaniards. The Navajo source of wealth is their famed blankets. These blankets were of wool, but wool was not available until the Spaniards introduced sheep and taught the Navajo how to card and weave it; they also
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taught the natives to make woolen clothing.

With the introduction of the Spanish merino into the present limits of the United States came the various modes of caring for the sheep and the wool they produced. It was the custom to wash the sheep a short time before they were shorn, in the Spring, as soon as the water was warm enough in the streams. Sheep were often washed under a mill dam, or an artificial fall
106
made by damming up a small stream. Methods to prevent contagious diseases and to destroy the parasitic
107
sheep tick were also introduced. The manner of

105. Ibid., 60.

106. Randall, 163-164, discusses the different modes of washing sheep. Cf. Jennings, 161-165. Cf. Wing, 191, et passim; see also Craig, 214. The utility of washing wool was long a controversial subject. Most sheep men now believe it is unnecessary, and the custom is practically obsolete. In fact, there are some dishonest owners who want their sheep to be dirty, because the fleeces are heavier and bring higher prices.

107. Randall, 187. This subject is adequately treated by Cooper Curtice, "The Animal Parasite of Sheep," U. S. Department of Agriculture Report, Washington, 1890.

shearing, tying fleeces, and caring for the wool after it was shorn are contributions made by the Spaniards. Although some attempts were made by the Spaniards, even before the sixteenth century, to improve sheep by select breeding, no rapid progress was made in that direction until Spanish merinos were introduced into the United States. The best Spanish flocks of those early days would be considered considerably inferior to the sheep a century later, due to a better knowledge of select breeding.¹⁰⁸

Cross breeding, in Texas, between pure blood merino rams and coarse-wooled ewes of Mexican origin has caused considerable increase in the weight of fleeces.¹⁰⁹ These sheep of Mexican origin in Texas and in other parts of the southwest doubtless originated from the sheep left along the way on the Coronado expedition, in 1540.¹¹⁰ The sheep in west central Texas are of merino blood, which have been bred up from this Mexican ewe basis. Sheep in southwestern Texas are similar to those in other parts of the state, but have more

108. Message from the President of the United States, communicating, in answer to a senate resolution of June 17, 1878, information on the subject of sheep-husbandry, p. 19.

109. Ibid., 30.

110. Clara M. Love, "History of the cattle industry in the southwest," Southwestern Historical Quarterly, XIX, 371. In the seventeenth century, Father Kino, the able Jesuit missionary introduced stock-raising into Arizona. See Dept. of Agric. Special Report, 941.

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blood of the Mexican sheep. By select breeding these sheep of Texas soon produced wool in greater quantities and of much finer quality.

On October 26, 1583, Spanish officials in Mexico made an agreement with Cristobal Martin, a resident of Mexico City, that he should go into the territory of New Mexico to pacify the natives, stock the land with domesticated animals, and introduce the necessary facilities to carry on agriculture and stock-raising.

He shall give and divide among the conquistadores and pobladores cattle and sheep estancias, caballerías of land, mills, markets, cows, sheep, and all the other provisions which he should have or find there, using the office of governor in all things which should be offered him, with full power and authority, according as the other governors which are and have been provided by His Majesty in these parts of the Indies use it; and in all the other cases and things, and in each one of them, which should be presented to him, he shall do what is necessary, in matters of justice as well as of government. 112

111. Dept. of Agric. Special Report, 907. The first recognized improver of these sheep, and, therefore, the founder of the present sheep industry of Texas, was G. W. Kendall, who had been an editor of a leading paper in New Orleans. In a letter published in the Texas Almanac, 1858, he says: "The produce of the old Mexican ewes gave evident signs of great improvement, not only in form and apparent vigor of constitution, but particularly in the quantity and quality of the wool. Here I might state that a Mexican ewe, shearing one pound of coarse wool, if bred to a Merino buck of pure and approved good blood, will produce a lamb, which, when one year old, will shear at least three pounds of much finer wool; and the produce of this lamb, again, if a ewe, will go up to four and a half or five pounds of still finer wool." See Randall, note on page 126. See also Bulletin of the National Association of Wool Manufacturers, II, 583.

112. D.I.A.I., XVI, 281.

Such were the beginnings of the sheep-raising industry in New Mexico. Sheep were not brought into this territory in great numbers, however, until the latter part of the seventeenth century. There is considerable evidence that these first sheep which the pioneer settlers brought with them from northern Mexico were of excellent quality, since continued inbreeding for over a century had reduced the quality of the wool only slightly. Sheep in New Mexico have always been found profitable despite the fact that in the early days constant warfare raged with the savages of that Territory; the rapacity of the Navajos knew no bounds, and their favorite prey was the indefensive lamb. These Indians, nevertheless, were very industrious workers of wool and they are well known for their durable blankets and woolen cloth.

The Spaniards were the first to introduce sheep into Florida. The occupation of Florida by Spain was not

113. Dept. of Agric. Special Report, 918. In more recent times the American grower has had a wholesome influence on the Mexican sheep-owner. The Mexican has been encouraged by his American neighbor to be more skillful and enterprising and to pay particular attention to selective breeding of sheep and to improve their methods of sheep-husbandry. The Mexican flock-master, however, has a peculiar advantage over the American: he is naturally better adapted to the isolated pastoral pursuit of his ancestry; the life of tending the flocks is his natural occupation and he is content to follow it. Ibid., 920.

undertaken for the essential purpose of establishing an agricultural colony. It was but an incident in the intense rivalry among the Spanish, English, and French, and was undertaken largely because of the strategic location and importance of the peninsula.¹¹⁴ All the Spanish explorers, to be sure, who desired to found settlements in the new lands were required to make a contract with the crown in which they agreed to take livestock into the new colonies. Menéndez de Aviles, in 1565, made a contract with Philip II, to conquer and colonize Florida in three years. In this contract he agreed to take with him 500 men, 500 negro slaves, 200 horses, 200 cattle, 200 hogs, and 400 sheep. He sailed for Florida in June, 1565 and, after encountering and driving away several French ships from the mouth of the St. Johns River, he founded the settlement of San Augustin, on September 4. The sheep were landed along with the other stores in his eleven ships.¹¹⁵ Subsequently, until Florida became one of our states, Spanish sheep were introduced at various times and the sheep there today have traces of their Spanish origin. Some of them reverted to a semi-wild state; these "piney woods" sheep are found in Western Florida, and in the

114. Justin Winsor, Narrative and Critical History of America, 8 vols., Boston and New York, 1886, II, 254-256.

115. Dept. of Agric. Special Report, 19-20.

southern parts of Georgia, Alabama, Mississippi, and Louisiana; they are doubtless deteriorated descendants of the Spanish merinos brought to Florida by Menéndez¹¹⁶ in 1565.

Spanish sheep were introduced into California in 1773 by the Catholic padres in charge of the missions there. In order to promote settlements in new areas¹¹⁷ the Spanish crown adopted a very paternalistic policy; the government offered many inducements to persons desiring to make new settlements. Each settler was given a tract of land for cultivation, another for pasture, and enough implements to make a good start. He also received two mares, two cows and one calf, two¹¹⁸ sheep and two goats, all breeding animals. In order to assure perpetuation of these animals in the new settlements, limitations were put on the slaughtering of animals: colonists were forbidden to kill cattle

116. Ibid., 691.

117. Recop., lib. iv, tit. v, ley vi. The laws of Charles V, reenacted by Philip II provided that, to found a new colony, there should be thirty settlers to whom should be given ten cows, four oxen, and additional small stock, including sheep. The success of sheep- and cattle-raisers in our southwest was due in no small part to the efforts of the Spanish missionaries. See H. E. Bolton, "The Mission in the Spanish American Colonies," American Historical Review, XXIII, 58.

118. Blackmar, Spanish Colonization in the Southwest, 55. Each settler also got two horses, one pack mule and one yoke of oxen as steers; one plow point, one spade (of wood with steel point), one axe, one sickle, one wooden knife, one musket, and one leather shield.

within the first five years; but sheep and goats could be disposed of at the age of four years. Any person disobeying these regulations had to forfeit the amount of a year's rations.¹¹⁹ The padres closely supervised all the work which was done by the natives; they taught the Indians how to care for sheep and how to make clothes from the sheep's wool.¹²⁰ Vancouver said, in 1792:

The looms, though rudely wrought, were tolerably well contrived, and had been made by the Indians. The produce is wholly applied to the clothing of the converted Indians. I saw some of the cloth, which was by no means despicable, and had it received the advantage of fulling, would have been a very decent sort of clothing.¹²¹

Pasturage in California was excellent and the various kinds of livestock distributed among the missions soon began to flourish. By 1772 there were 161 sheep and goats in the two settlements of San Diego and San Gabriel.¹²² Sheep propagated rapidly in many other settlements.

Due to Spanish influence the southern states along the Gulf of Mexico and the states of the southwest were stocked with sheep long before they were introduced by

119. Ibid., 60.

120. Bernstein, "Spanish Influence on the United States," Hispanic American Historical Review, XVIII, 51, note 31.

121. Dept. of Agric. Special Report, 20.

122. H. H. Bancroft, History of California, 7 vols., San Francisco, 1884, I, 205-206. A special effort was made in 1796-1797 by Diego de Borico, governor of California to promote the raising of better sheep in connection with the manufacture of woolen cloth, and

the English and the French into their respective colonies. It was not until 1609 that the London company provided the colonists at Jamestown with sheep. John Smith claimed that there were in the colony "6 mares and a horse, 500 or 600 swine, with some sheep and goats."¹²³

Many of these sheep were destroyed by wolves and their increase was very slow; by 1648 there were only 3000 in the whole colony. By 1657, in order to foster the industry, the governor and council of Virginia passed an act declaring "that no mares, nor sheepe be transported out of the colonie upon such penalties as shall be thought fitt by the governor and council."¹²⁴

the selection and propagation of sheep were regulated by law. See Dept. of Agric. Special Report, 20.

123. Dept. of Agric. Special Report, 21.

124. Ibid., 21. Statutes were passed successively in 1662, 1664 and 1671 to further the best interests of sheep-raising in Virginia. Pure Spanish merinos were not introduced into Virginia until the early part of the nineteenth century. In 1809-10, Robert R. Livingston shared with William Jarvis, United States consul at Lisbon, Portugal, the honor of being the first to import the pure merino strain. Both Jefferson and Madison received some of these sheep and greatly appreciated them. See Dept. of Agric. Special Report, 174 et passim; Message from the President of the United States, communicating, in answer to a Senate resolution of June 17, 1878, information on the subject of sheep-husbandry, 18; Jennings, 32-33; Craig, 40-41; Randall, 23, et passim. Cf. Special Report relating to the imports and exports of wool and its manufacturers in the U. S. and the principal foreign countries, Washington, 1888, p. XXXIV. Woolen mills in the early days in the United States were located largely in New England. See Paul T. Cherrington, The Wool Industry, Commercial Problems of the American Woolen and Worsted Manufacture, Chicago, New York and London, 1916, p. 4. Cf. William R. Bagnall, The Textile Industries of the United States, in-

In the sheep industry as in many other fields the presence of Spain in our country has made itself felt. Particularly in our southwest do Spanish customs and institutions constitute a major element in the lives of the people living there.

cluding sketches and notices of cotton, woolen, silk, and linen manufactures in the colonial period, Cambridge, 1893, p. 70, et passim. An account of William Jarvis' introduction of merinos from Spain is given in the Bulletin of the National Association of Wool Manufacturers, II, 514-517. See also U. S. Department of Agriculture Report No. 66, on "Sheep and Wool," a review of the progress of American Sheep-husbandry by J. R. Dodge, Washington, 1900, p. 9. See also John L. Hayes, "The Resources of the United States for Sheep-Husbandry and the Wool Manufacture," an Address, delivered to the National Agricultural Congress, at New Haven, Conn., August 29, 1878, Boston, 1878, p. 15. Sheep-raising in the colonial period in America is discussed by L. G. Connor, "A Brief History of the Sheep Industry in the United States," from Annual Report of the American Historical Association for the year 1918, 2 vols., Washington, 1921, I, 93-112.

CHAPTER III. IMPORTANT SHEEP-RAISING DISTRICTS

We have already considered that geographical factors, in general, in New Spain were favorable to the sheep-raising industry. It is true, however, that sheep thrived better in those portions of the colony which were relatively high above sea level, where the climate was cooler, the atmosphere more arid, and pasturage abundant enough for their subsistence. Herrera points out that New Spain was one of the best and most habitable provinces in the New World, "with a good temple, abundance of grains such as wheat and maize, fertility of soil, many herds of livestock, and other things necessary for human life"¹

In order to ascertain those districts in which sheep-raising was carried on most extensively it is necessary to keep in mind the dominant geographical features of boundaries, topography, climate, and soil. During the time of the viceroyship of Antonio de Mendoza New Spain was bounded on the northeast by the immense and unexplored region of Florida. The southern limits of the territory were Hubieras and Guatemala. The northern frontier extended from Culiacán along the

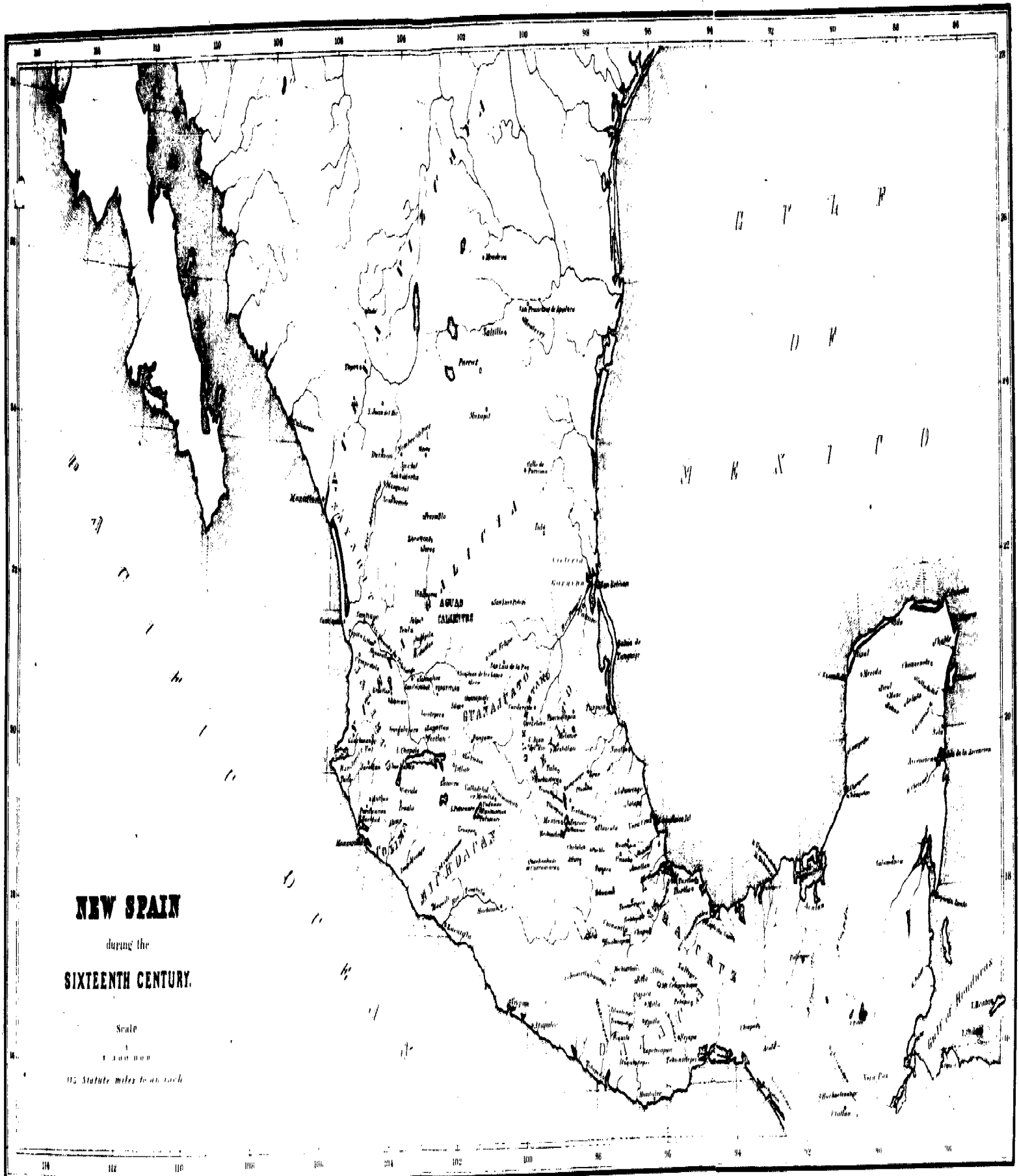
1. Antonio de Herrera y Tordesillas, Historia General de los hechas de los Castellanos en las islas y tierra del mar oceano, publicada por acuerdo de la academia de la historia, con prologo y notas del academico de numero Antonio Ballesteros y Beretta, 5 vols., Madrid, 1934, I, 508. (Hereinafter cited as "Herrera.")

western boundary of modern Jalisco and included parts of the modern states of Aguascalientes and Zacatecas, which extended south below Querétaro, and in a northward direction to Pánuco. In February, 1534, New Spain proper was divided into the four following provinces: Mexico, Michoacán, Goazacoala, and Maytecapan; the boundaries of each province were defined by royal cedula.² Later in the century, however, with the coming of other adelantados and with the several expeditions into the northern areas, the northern frontier was extended to include Sinaloa on the northwest coast, Durango and Coahuila in Nueva Vizcaya, Chihuahua in the northwest, and Nueva Leon and Tamualipas in the northeast. On the south were the provinces of Guerrero and Oajaca; on the extreme southeast were Tabasco, Chiapas and Yucatan.³ Such were the main political subdivisions of New Spain during the period under consideration.

Approximately three-fourths of the total area of Mexico is a great plateau; this plateau is bounded by narrow coastal plains along the Gulf of Mexico on the east and the Pacific Ocean on the west. These high plains are of such great extent and so contiguous that they form but a single plain on the lengthened ridge of

2. Aiton, 44-45.

3. See map on page 100 for political divisions.



the cordillera; this high plain extends from the eighteenth to the fortieth degree of north latitude. With an average elevation of eight thousand feet in the south central region, it declines toward the north to about four thousand feet, lowering visibly toward New Mexico and toward the source of the Colorado River, in such a way that altitude counteracts latitude and the mean temperature over the entire plateau is nearly uniform. ⁴

This plateau has been divided into three distinct regions: the Mesa del Norte, the Mesa Central, and the Mesa del Sur. Because of certain differences in surface and climate, industries are different in these regions.

Of these regions the Mesa Central is the most important. Conditions for human existence upon this high plain have made it possible for a dense population to live there, both in ancient and in modern times. Both the climate and soil are favorable to agriculture and stock-raising; sheep thrive well in this area. It has always produced most of the grain supply of Mexico. ⁵ When the Spaniards conquered Mexico they found an agricultural people in the Mesa Central who had lived there for centuries. ⁶ Spanish colonial effort was most suc-

4. Humboldt, Political Essay on the Kingdom of New Spain, I, 54.

5. McBride, 6. See the various natural regions on the map on page 102.

6. Webb, The Great Plains, 90.

cessful among the pueblo Indians of this region. The long growing season makes it possible to raise at least two crops a year in most of this area. The summers are temperate, the mean temperature of the warmest month in Mexico City being 65° F. Summer rainfall is heavy enough⁷ to make agriculture possible without irrigation.

The Mesa del Norte begins where the Rio Grande and the Gila River basins intersect the highlands and rises gradually toward the south. There are immense plains here appearing like the basins of old dried up lakes following one another, separated only by low hills⁸ rising here and there. From Mexico City northwardly toward Nueva Vizcaya the elevation remains almost constant, and the climate is rather cold than temperate. Rainfall in this region is considerably less than in the Mesa Central. In the northern part irrigation is necessary to successful agriculture and stock-raising. In this northern area, in the provinces of Chihuahua, Coahuila, and Durango rainfall usually is less than ten⁹ inches annually, but does not exceed thirty inches. Because of this aridity the principal use of the land, aside from mining, is for grazing; it was possible for

7. McBride, 11. See map on page 104 indicating rainfall in the various regions.

8. Humboldt, Political Essay on the Kingdom of New Spain, I, 56.

9. Webb, The Great Plains, 90.

the early Spaniards to raise sheep and cattle here.

The Mesa del Sur comprises the southern section of the Mexican plateau. Continued rise in elevation toward the south has caused considerable erosive activity of streams rising in the interior, and the ground is cut up into narrow valleys and high ridges. Although the rainfall in this section varies from twenty to forty inches a year,¹⁰ the land is not adapted to agriculture. It is possible, however, that cattle and sheep could graze in this region.

The slopes leading from the Mexican plateau toward the coastal plains are called escarpments. The eastern escarpment is narrow and the declivity rapid from an eight-thousand foot elevation down to sea level. This eastern declivity from within sixty leagues of Vera Cruz is much more rapid than that in the western escarpment toward Acapulco or San Blas. There is little¹¹ arable land in these areas.

Even though some of the Mexican provinces are situated in the torrid zone, they enjoy a cool rather than a hot climate, due mainly to the progressive increase in altitude the farther one goes to the south. Only along the coastal plains is the climate warm enough and the rainfall sufficient to produce the same kinds of

10. McBride, 15.

11. Ibid., 16.

crops that are raised in the West Indies. Mexico may be divided into three natural regions in regard to climate. The tierras calientes, or low coastal areas in the east and in the west, where sugar, indigo, cotton, and bananas are raised. Here sheep and other kinds of livestock could not be raised profitably. The second region, called by the natives tierras templadas, is on the declivity of the cordillera, at an elevation of from 3500 to 4500 feet above sea level. In this region there are no extremes of heat and cold. In this perpetual soft spring temperature an abundance of fruit is produced; sheep and cattle can be raised advantageously. The third region, known as tierras frias, is elevated more than 7000 feet above sea level. Here the mean temperature is 62° F., and rarely goes below the freezing point; this is approximately the mean temperature for the whole Mexican plateau.¹² Sheep thrive well in this climate.

For the most part, the soil of the Mexican plateau is suitable to sheep-raising. Certain saline substances such as muriate of soda and lime, and nitrate of potash, cover the surface of the soil and spread rapidly. Only the most elevated peaks are extremely dry. The valleys are fertile and suitable to cultivation and pastur-

12. Humboldt, Political Essay on the Kingdom of New Spain, I, 65-66.

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age.

In tracing the development of sheep-raising in New Spain it is well to keep in mind these geographical factors. For the climate, topography, and soil of any region determine largely its industrial pursuits. The natural habitat and the instincts of sheep have already been alluded to. The high plateau land of Mexico, with its cool, constant temperature, aridity of the air, lack of rainfall, and sufficient pasturage, afforded an excellent home for the sheep introduced by the Spanish explorers. More than this, the Spaniards were better prepared for what they were doing than any other Europeans. In some respects Spain resembles the Great Plains region; the climate is similar; it is dry and there is little timber;¹⁴ much of the land is hilly or mountainous. For the most part, all the factors that were favorable to sheep-raising in the parent country could be found in the new colony.

When sheep and other livestock were introduced into New Spain provision was made by law that they were

13. Ibid., 77.

14. Webb, The Great Plains, 95-96. See also S. Miguel Salva y el Marques de la Fuensanta del Valle, Colección de documentos inéditos para la historia de España, 112 vols., Madrid, 1872, LVII, 88-89, for a description of topography and animal life in Mexico. He compares these characteristics to those of Castile and states that fertile pasturage was favorable to grazing in Mexico.

to be propagated as rapidly as possible and to be introduced into new provinces as soon as they were settled. The Spanish Government ordered that these cédulas be dispatched to the adelantados and principal leaders of each new colonizing enterprise in order that there would be no impediment in the way of transferring the herds and flocks; new provinces were to be stocked as soon as possible.¹⁵

The Indians were required by law to render service to the Spaniards by caring for the herds and flocks:

... and likewise in the province where they have no beasts, sheep, or other animals, or having them, the Indians have not served in these departments, and because it is our wish that this should not be done, we command that, in the parts where they lack cattle and sheep, they shall be introduced because this deficiency of livestock excessively checks the work of the Indians.¹⁶

Royal officials were permitted to keep domestic animals for their own use and to support their families only. Such animals could not be taken to new towns or provinces. Strays, however, were an exception.

We command the governors and justices that they shall not consent to withdraw from the cities and provinces in their charge, the horses, mares, cows, sheep, and other animals which were necessary for their service, provision, and supply. And we permit that if some should trespass, they shall be taken to other places and provinces with the least prejudice and harm that can be done¹⁷

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- 15. Recop., lib. iv, tit. iii, ley vi.
 - 16. Recop., lib. vi, tit. xii, ley ix.
 - 17. Recop., lib. v, tit. v, ley xvii.

No person under the jurisdiction of the cabildo of Mexico City was permitted to locate an estancia except by petition to the town council of the capital city. This cabildo then granted a license to the petitioning party to locate an estancia, and gave him a deed for it. The minutes of the cabildo meeting of January 9, 1537 read:

Today, upon the petition and supplication of Gonzalo Ruyz, regidor, they (the cabildo officials) favored him in order that he could have and locate an estancia for herds in the place where they pointed out at the fountain of Ozumba, at the town boundary of Chiconautla el Rio. ... And it shall be done without prejudice of a third party. And they ordered that a title formally be given him. 18

The first important sheep-raising center in New Spain was at the town of Cuernavaca. Here Cortés raised sheep in large numbers, and from this locality they went forth in large numbers into the surrounding districts. 19 Near this town was the valley of Matalcingo

18. Actas de cabildo del ayuntamiento de la gran cibdad de Tenuxtitan México de la Nueva España, paleografiado por el lic. Manuel Orozco y Berra, Mexico, 1859, IV, 65. This is one of the earliest recorded instances in which the cabildo gave a deed for an estancia. In the cabildo meeting of March 29, 1538, the town officials granted to Ruy Gonzales, another regidor, a site in Matalzingo between Xicaltepeque and Talchichilpa. In accordance with the city ordinances, these grants had to be made without the claim of any third party. See Actas de Cabildo, IV, 149.

19. Dept. of Agric. Special Report, 18. The town of Cuernavaca is approximately 40 miles southwest of Mexico City. See map, page 100. The most vivid description of this center is by Cortés. See MacNutt, Letters of Cortés, I, 46-47, note 2.

which was an important stock-raising center. Cortés had farms at Coyuhuacan, Matalango, and Tlaltizapan. He was somewhat of a specialist at stock-raising; on one farm he raised sheep; on another, cattle; and still another, horses. The province of Oaxaca was soon stocked with sheep and other livestock from his farms.²⁰

The valley of Matalcingo was twelve leagues from Mexico City, with the town of Toluca located at its head. This valley was fifteen leagues long, and three, four, and five leagues in width in different parts. There was a river in the midst of it. It had over seventy estancias on which were more than 150,000 head of livestock of different kinds. The Indians were required to remove any of their herds from the valley if any damage had been done to the seeded fields and haciendas. The lands on which herds belonging to the church grazed were enclosed by fences to divide them from land belonging to the Indians. Such fences were to be regulated by good men of the community, and all persons having herds in the valley were to share in their expense.²¹ Special care was taken by the Spanish

20. Bancroft, History of Mexico, II, 134. See also note 8. Bishop Zarate claims that Oaxaca was founded in an unsuitable spot, that the settlers suffered because of an increase in the Indians, and that the Spaniards had no outlet for their livestock, and that pasturage was poor. See Ibid., 727, note 82.

21. Provisiones, cédulas, instrucciones de Su Magestad, ordenanzas de difuntos y audiencia para la

officials that no damages were done to crops of the Indians in the environs of Toluca. Fray Francisco de Guzman in a letter to His Majesty, dated March 10, 1551, told of the fertility of the soil around Toluca, Jilotepec, and Tepeapulco and of the excellent opportunity to raise livestock in those places. He explained that the natives in these districts were constantly complaining of damages done to their crops by animals belonging to Spaniards. The Father insisted that His Majesty should take the necessary steps to prevent such abuses. In the valleys of Matalcingo, Toluca, Tepeapulco, Xilotepeque, and other valleys not far distant from Mexico City there were several small towns in which the wool industry was carried on. Sheep were raised in the fertile, rural areas adjacent to the towns. Wool mills were founded in the towns, in which woollen cloth and clothing were made. Each town had its own slaughterhouse and provided the meat supply of the community.

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buena expedición de los negocios y administración de justicia y gobernación de esta Nueva España, y para el buen tratamiento y conservación de los Indios desde el año de 1525 hasta este presente de 63. En México, en casa de Pedro Ocharte, 1563. Ed. de "El Sistema postal." 2 vols., Mexico, 1878-79, II, 244-245. (Hereinafter cited as "Puga, Cedulaario.")

22. P. Mariano Cuevas, Documentos inéditos del siglo XVI para la historia de México, publicación hecha bajo la dirección de Genaro García, Mexico, 1914, pp. 167-169.

23. The wool producing towns are listed in Appendix D. In each district there were certain communities in which sheep-raising could be carried on profitably

Undoubtedly the province of Mexico, in which the capital city was located, was among the most important of the early sheep-raising districts of New Spain. Solorzano says, in comparing stock-raising here to that of Castile:

We found the same abundance in horses, hogs, goats, sheep and birds of Castile as in this district and in the other provinces, as Acosta and Herrera advertise. In a valley near Mexico City, from only ten sheep was born in ten years a number, said by Camargo, to be forty-thousand or more. 24

Within the province of Mexico there were twenty-one towns in which sheep-raising and the production of wool were carried on profitably. 25 Each sheep ranch had a number of slaves and servants who did all the labor. The number of these laborers varied, depending on the size of the ranch and the wealth and importance of its owner. In 1570 the archbishop of Mexico gave the following statistics concerning sheep-raising in his own community: "There are in my district six sheep ranches belonging to Spaniards; there are on them six Spaniards, thirty slaves, and more than forty other servants who perform the labor on said estancias." 26

because of climatic and geographical factors and certain local conditions. In other towns the wool industry was unprofitable, usually because of local factors. These lists are made up from Francisco Paso y Troncoso, Papeles de Nueva España, geografía y estadística, segunda serie, 6 vols., Madrid, 1905, Vol. I.

24. Solorzano, Política Indiana, 12.

25. See Appendix D.

26. Cuevas, Documentos inéditos del siglo XVI para la historia de México, 288.

Durango in Nueva Vizcaya located on the north central plateau, was another important sheep-raising center in New Spain. The village of Durango was founded in Guadiana valley, in 1563, by Alonzo Pacheco. When setting out to found this settlement Pacheco took along with his expedition a great number of cows, sheep, and poultry, besides great quantities of maize, flour, and other provisions necessary for life while they were establishing the colony, and until the first harvest. Two or three months after the departure of Pacheco, the governor Francisco de Ibarra set out with soldiers in order to go to the valley of Guadiana, and he organized the municipal government of Durango. He chose and named in the name of His Majesty, the alcaldes and regidores in order to render justice and to exercise police power. This village was built in a good location, in the midst of excellent territory. The country was very healthy; the land was fertile and the rainfall sufficient to raise good crops; they harvested an abundance of wheat, maize, and other grains. There were numerous pasturages where sheep multiplied rapidly. It was the intention of Ibarra to make Durango the capital city of Nueva Vizcaya. He spent a considerable portion

27. Ternaux Campans, Recueil de pièces relatives à la Conquête du Mexique, 20 vols., Paris, MDCCCXXXVIII, X, 381-382.

of his own fortune in the erection of public buildings. In order to promote the settlement and to increase its population he granted to the inhabitants perpetual rights in one of the richest mines in the district with the sole provision that the income be used to build homes in Durango. But during the lifetime of Ibarra the capital city of Nueva Vizcaya did not have more than five hundred settlers; this, however, did not include the ranchers and miners in the surrounding districts. The district as a whole became substantially populated.²⁸

There were about thirty farms in the environs of the city of Durango, which produced annually about 50,000 fanegas of wheat and maize. Good grazing lands made cattle- and sheep-raising profitable. Besides the Spanish haciendas there were many Indian settlements in the district.²⁹

The plateau of Durango was semi-desert, that is to say, partially grass lands, and it was particularly adapted to grazing purposes. When this district was first opened up, stock-raising was second in importance; the greedy Spaniards were primarily interested in exploiting the mineral resources of the area.³⁰ It was not long, however, until stock-raising superceded mining in importance.

124. 28. Meham, Francisco de Ibarra y Nueva Vizcaya,

29. Ibid., 230.

30. Ibid., 11.

The city of Durango was more than six thousand feet above sea level. The table land of Mexico preserves its extraordinary elevation, and as far as Durango, 140 leagues north of Mexico City, the surface maintains an elevation from five thousand to nine thousand feet above sea level.³¹

Another sheep-raising center in Nueva Vizcaya was the villa of Nombre de Dios. The viceroy granted, on October 6, 1563, to Fray Espinareda "a license to found a villa and a monastery to be named Nombre de Dios on a site to be selected between the Rio Santiago and the Rio Grande which empties into the Guadiana."³²

Nombre de Dios was located in the heart of a fertile valley about fifty miles east of the city of Durango.³³ The land was well adapted to the cultivation of wheat and maize, and the district soon supplied grain for the neighboring centers of Sombrerete, Fresnillo, and Zacatecas. Pasturage was abundant and suited to cattle- and sheep-raising; within six years this district supported 250,000 head of sheep and cattle.³⁴ Some authorities have differed as to the extent of

31. Humboldt, Political Essay on the Kingdom of New Spain, I, 51.

32. Mecham, Francisco de Ibarra y Nueva Vizcaya, 121.

33. See map, page 100.

34. Mecham, Francisco de Ibarra y Nueva Vizcaya, 123.

sheep-raising in this district; some say that cattle bred and thrived better here than sheep, and that there were no goats and hogs; others say that all kinds of herds bred well. It was believed that sheep were raised most because they did the least damage to seeded fields.³⁵ In this district sheep sold at one and one-

half pesos each.³⁶

The whole province of Nueva Vizcaya, in which Durango and Nombre de Dios were located, carried on the sheep-raising industry in varying degrees. Herrera says: "The province of Nueva Vizcaya, northwest of Zacatecas, fifty leagues from it, is a land of many herds, supplies, and good silver mines."³⁷

The climate and soil of Nueva Vizcaya were remarkably suited to pastoral purposes. On the great plateau of Chihuahua and Durango, at an altitude of 5000 feet and more, the wild pasturage was short, tender, and reproduced rapidly. During the rainy season it was exceptionally nutritious, but because of its short roots it almost disappeared during the dry season. At altitudes lower than 5000 feet grasses were more abundant and vigorous. Hence, a local migratory system was begun by which the stock-raisers pastured their herds on the

35. D.I.A.I., IX, 216.

36. Ibid., 244.

37. Herrera, I, 80.

uplands during the rainy season and, when the dry season came, they descended with their flocks to the greener, more fertile pastures below. Fortunately there were few predatory beasts in this region, which was an additional advantage to the flock masters.³⁸

Besides these factors of climate, geography, and soil, other conditions were favorable to the pastoral industry in Nueva Vizcaya. The Spanish Government was very paternalistic and fostered grazing by legislation. A law of 1533 made all pasture lands free to both Spaniards and Indians. The greatest boon to sheep-raising, not only for Nueva Vizcaya, but also for all of New Spain, was the founding of the Mesta in 1538,³⁹ during the viceroyalty of Antonio de Mendoza.

Francisco de Ibarra, the first governor of Nueva Vizcaya, took particular interest in agriculture and stock-raising in the province which he founded. In his last will and testament, drawn up in Pánuco, on June 3, 1575, among other things he left:

three water mills, negroes (no number given), mules, tools and other materials appertaining to mines; 'mines which belonged to him through deeds or donations (the names of the mines not given)'; a reduction-work in the mines of Avino; a sheep ranch near Durango; and many other farms (no names.)⁴⁰

38. Mecham, Francisco de Ibarra y Nueva Vizcaya, 208.

39. Actas de Cabildo, II, 113.

40. Mecham, Francisco de Ibarra y Nueva Vizcaya, 224, paragraph 8. Sheep-raising did not reach its peak

The sheep-raising industry spread from Durango in Nueva Vizcaya into Zacatecas to the southeast. This district was also settled by Francisco de Ibarra. In making preparations for this new settlement he provided a great number of livestock including many cattle, sheep, and goats to nourish the people during their sojourn in the valley, while on the expedition, and until the rainy season. While the winter season lasted they lived in groups, each man seizing fully the quantity of mutton and beef which he desired without the governor limiting him in any fashion.⁴¹ The climate, surface, and soil in this district were similar to those of Durango. The fertile soil made pasturage abundant, making it possible to raise many cattle and sheep. Sheep in Zacatecas were valued at sixteen reals each.⁴²

The province of New Galicia, south of Zacatecas was divided into the three subdivisions of Jalisco, Aguascalientes, and San Luis Potosi. The whole of New Galicia was notable for sheep-raising and the production of woolens. A series of epidemics followed the Mixton war, but despite these the province of New Galicia prospered due to the fertility of the soil and

of importance in Nueva Vizcaya until the eighteenth century. See page 210.

41. Ternaux Compans, Recueil de pièces relatives à la conquête du Mexique, X, 386.

42. D.I.A.I., IX, 187.

the abundance of livestock. The Spaniards here, as in all the provinces, were not inclined to follow the severer occupation of farming; that was too difficult for them. The great majority of them preferred to raise cattle and sheep, and their broad grants were rapidly stocked with animals, which offered material for markets and for manufacture.⁴³ Sheep were so numerous that the price was very low, each sheep costing only 2 reals.⁴⁴ Stock-raising soon assumed such proportions⁴⁵ that semi-annual councils were held to regulate it. The district of Jalisco in the western part of New Galicia was especially noted for sheep-raising; the most important city in that district was Compostela, near⁴⁶ the sea, thirty-three leagues west of Guadalajara. There were twenty-five towns in the whole of the province of New Galicia which were notable as sheep-raising centers.⁴⁷

The province of Michoacán was southeast of Jalisco⁴⁸ and southwest of the province of Mexico. The climate, soil, and topography of this region were particularly favorable to sheep-raising. Viceroy Mendoza urged that

43. Bancroft, History of Mexico, II, 552-553.

44. Eight hens sold for 1 real, and maize 1/2 a real per fanega. Ibid., 553, note 42.

45. This undoubtedly refers to the meetings of the Mesta which were held twice annually. See Ibid., note 43.

46. Herrera, I, 78.

47. See Appendix D.

48. See map, page 100.

the merino breed be introduced both in Michoacán and in New Galicia. These merinos were much superior to the breed which had been first introduced; the first sheep brought into these districts were the coarse wool type. In Michoacán cattle and sheep multiplied very rapidly. Wool soon became the leading staple of commerce. Wool mills were established, and the Indians soon learned to turn out woolen cloth and woolen blankets in appreciable quantities. Instead of wearing their old cotton garments, they began, at the request of the Spanish ministers and of the viceroy, to dress themselves in the new woolen clothing which they manufactured. The greedy Spanish agents, to be sure, were a constant source of vexation to the Indians; the Spaniards exhausted every possibility to exploit the Indians, and to enrich themselves at the cost of these unhappy people. In Michoacán and New Galicia, however, such pernicious abuses were not so bad as they were in Peru. Charles V enacted the "New Laws" to correct these abuses.

There were nine towns in Michoacán where sheep-raising and the wool industry were carried on profitably.⁵⁰ Not only was wool produced in abundance, but Michoacán supplied large quantities of mutton, which was consumed locally and exported to Mexico and other

49. Beaumont, Crónica de ... Michoacán, IV, 488.

50. See Appendix D.

neighboring provinces. The cabildo meeting in Mexico City, on February 16, 1579, expedited, among other things, certain matters pertaining to the meat supply from Michoacán. The minutes read:

Today the señor regidor discussed with His Excellency the supply of the meat markets of this city; and it appeared necessary to them for two caballeros regidores to go out, one to the plains of Ozumba, and the other to the province of Michoacán, to make a sample and take an account of the sheep which are in said provinces and in the land, and at what prices they can be given; this shall be done in order to understand what is necessary; and it shall be related to this ayuntamiento in order that it shall be agreed upon and provided. 51

In almost all of these districts mining was one of the leading industries. Many sheep were raised in the mining areas in the mountains principally for the sake of the tallow, leather, and skins, which were consumed in the mines; the mining of gold and silver could not have been carried on without these essential staples. Since there was such demand for the tallow and hides, sheep were slaughtered in great numbers, and the wool and mutton were often wasted.⁵² After the Mixton war and the defeat of the Chichimecas, the conquered area offered pasturage to flocks and herds that had become so numerous around Mexico City that they were considered a nuisance by ruining crops raised by the Indians. This

51. Actas de Cabildo, VIII, 380.

52. E. B. Tylor, Anahuac: or Mexico and the Mexicans, ancient and modern, London, 1861, p. 324.

was one of the reasons for sending the herds and flocks into the back country districts where they thrived well.⁵³ Viceroy Mendoza sent his own flocks to these

new ranges.⁵⁴ It was not long until the raising of cattle and sheep in these new areas, as in the old, out-distanced all other industries.

During the viceroyship of Mendoza, the chief center of the woolen cloth industry was Tezcucó, about twenty miles east of Mexico City.⁵⁵ Here the viceroy personally kept thirty-three slaves and their families engaged in weaving woolen cloth. Gonzalez Gómez, a prominent wool merchant of the time, with whom Mendoza had been accused by Visitor Tello de Sandoval of being in partnership, also had his factories located in Tezcucó. The labor in these mills was performed by Indians and the woolen products were sold in the capital city and in the province of Michoacán.⁵⁶ The spread of woolen cloth manufacturing was due, in the main, to the example set by Mendoza. Although all of his successors during the sixteenth century were anxious to expand the wool industry, none of them took the interest in it that he did. From Tezcucó the manufacturing of woolens was soon introduced into other areas and ere

53. Aiton, 111.

54. Ibid., note 88.

55. See map, page 100.

56. Aiton, 111.

long woolen mills were operating in almost every locality in New Spain.

The district of Pánuco, in the valley of the Pánuco River, was one of the first to be stocked with herds and flocks. In 1528 Pánuco had been suppressed as a separate unit and had been incorporated into New Spain. 57 On October 9, 1529, Juan de Fuentes, a resident and regidor of the village of Santiesteban de Pánuco, the port of the town of Pánuco, sent a petition to the royal audiencia supplicating His Majesty to give a license to the residents of Santiesteban to export slaves to the West Indies and receive in return mares, horses, cattle, sheep, and other herds. The residents of Pánuco desired to engage in stock-raising in order to make use of the slave labor; there were no mines in the province in which the slaves could serve. 58 The most convenient way in which to stock the province of Pánuco was to exchange slaves for herds which were abundant in the islands. The raising of small livestock, or sheep, goats, and hogs, was not so extensive in Pánuco as the cattle industry. It was located largely in the eastern coastal plain, and because of the climate, topography, and soil sheep-breeding could not be carried on as ad-

57. Ibid., 45, note 7.

58. Paso y Troncoso, I, 153-155. This demonstrates the relative unimportance of mines in the Pánuco district.

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 vantageously as cattle-raising. Despite the fact that the land was better suited to the cattle industry, sheep were introduced from the islands and soon began to propagate in large numbers. The audiencia of New Spain took action to assure the perpetuation of these industries in Pánuco: it provided that "they shall not take from the province of Pánuco horses, mares, cows, sheep, and plants from Spain which they had in it, in order that it should not become desolate."⁶⁰ It was not long until Pánuco had more stock-raising centers than any other district in New Spain - thirty-two in all.⁶¹

In some districts of New Spain the sheep-raising industry antedated mining. In most sections where new mines were located, sheep-raising was coincident with such enterprises. The tallow was used in the manufacturing of candles. Throughout the sixteenth century, and long after, candles were the common method of lighting not only in the mines, but also in the homes of the pioneers. In certain areas the sheep and cattle men blazed trails and settled before the miners arrived on the spot. Often those pioneers who were primarily interested in stock-raising were the discoverers of new

59. D.I.A.I., IX, 136.

60. D.I.U., XXII, 182.

61. See Appendix D.

mineral deposits. Notable among these fortunate persons was Alonzo Rodriguez Salgado, a head shepherd of a sheep ranch, who made the discovery of the mines of Pachuca.⁶²

Some districts in New Spain were of lesser importance than the ones already described. Among them was Santiago de la Frontera where herds of all kinds were bred. In the early days of sheep-raising in New Spain this district had five thousand head of sheep. Sheep multiplied slowly there because the land was rough and the pastures were not suited to them.⁶³ These sheep were valued as follows: ewes at one and one-half pesos each, and rams at two pesos each.⁶⁴

In certain other districts there were several towns around which the industry centered. The ranches were in the environs and in the towns were small wool mills and weaving establishments. Guaxaca had fourteen such towns; la Costa del Sur, ten; Colima, on the west coast, four; and Culiacán, on the northwest coast, three. Some of these towns had as few as two sheep ranches near them, but they all fostered the wool industry to some extent.⁶⁵ Oaxaca, on the south, had been stocked early by sheep from the flocks of Cortés.⁶⁶

62. D.I.A.I., IX, 192.

63. Ibid., 322.

64. Ibid., 331.

65. See Appendix D.

66. See above page 110, note 20.

It is well to keep in mind that the Spanish Government desired to introduce sheep-raising as rapidly as possible into new districts when they were settled. In fact, one of the conditions on which a pioneer was granted the right to found a new settlement was that he would introduce sheep and other livestock into the settlement. The Spanish Government was very paternalistic towards these enterprises, and toward the Indians who did the bulk of the labor. The Spanish sovereigns endeavored to work out in detail those laws best suited to the supposed condition of the settlers. This policy of paternalism coupled with the efforts of statesmen of the Mendoza caliber, who paid attention to the minutest administrative details, soon made for progress in woollen production in New Spain. It was not long until sheep- and cattle-raising surpassed all other industries.

CHAPTER IV. POLITICAL AND LEGAL STATUS OF THE MESTA

Having examined geographic and climatic conditions in New Spain and having found these factors favorable to sheep-raising, the next step is to examine the institution that fostered the pastoral industry, namely, the Mesta. We have seen how the sheep-raisers in Spain benefited by the protection of the Mesta. This chapter is an examination of the institution after it was transferred, like many other institutions, to New Spain. What were the reasons for its introduction into the colony? How had litigations between herdsmen been disposed of before its introduction? What were similarities and significant differences between the Mesta in Spain and in New Spain? These questions merit careful consideration. Attention will also be given to the internal organization of the Mesta in New Spain, and to its political and legal status; its relationship to other institutions transferred to the colony, such as the cabildo, the audiencia, and the viceroy, merit consideration somewhat in detail. That the Mesta in New Spain strongly influenced later institutions of its kind is also notable.

It has already been noted that in Spain the *entregador* was a royal official who kept in touch with all local matters pertaining to the Mesta; he was an itinerant justice clothed with administrative and ju-

dicial powers. All officials and members of the Mesta in Spain were directly responsible for all their acts through the entregador to the king. This important royal official was generally appointed by the king from among his courtiers. The essential function of the entregador¹ was to prevent extortion and unjust exactions, particularly among the wandering herdsmen and helpless debtors.²

The Spanish Mesta developed the merino breed of sheep, supervised the semi-annual migrations of sheep, and controlled the Spanish woolen trade, which was a highly important factor in medieval and early modern European commerce.³ The Mesta, in the sixteenth century, gave great financial support to the crown, both through wool taxes and through forced loans. This money was used by the crown in the prosecution and settlement of America, as well as in the wars of the Hapsburgs.

The Spaniards adopted the Roman concept of colonization. They considered all new colonies to be a part of the territory of the parent country, and the govern-

1. The office of entregador was abolished in 1796. See Klein, 75, note 1.

2. Klein, 76.

3. The office of alcalde de mesta, or de corral, was continued in Madrid until 1836, or forty years after the abolition of the entregador. The same office existed in Navarre, with jurisdiction over all stray animals in the kingdom. See Klein, 75, note 1.

ment of the colony an integral part of the central government. The Mesta, among many Spanish institutions, was transferred to the New World.⁴

It is well now to consider the reasons for introducing the Mesta into New Spain and to study its relationships to the viceroy, the audiencia, and the cabildo. The internal organization of the Mesta in New Spain, its functions, qualifications for membership, election and qualifications of the *alcaldes de mesta*, and its influences on similar, subsequent organizations, merit further consideration. The political and legal status of the Mesta in New Spain differed somewhat from the institution as it existed in the parent country.

The most significant feature of the Mesta in Spain was the semi-annual migration of flocks between summer and winter pasturage. The *entregador* acted as a link between the crown and the local *mestas*, and all local officials and members of the Mesta were subject to royal regulations; none of their acts could contravene

4. Some authorities claim that Cortés incorporated into the ordinances of Mexico City a set of laws by which the institution was introduced into New Spain. See Hispanic American Historical Review, I, note on page 340. This note is in error because the first election of the *alcaldes de mesta* took place in Mexico City, January 1, 1538, and the ordinances for the government of the sheep-owners' association (the Mesta) were not drawn up until November 14, 1542. This was during the viceroyship of Antonio de Mendoza who deserves the credit for introducing the Mesta into New Spain. See Aiton, 110, note 86.

the king's orders. In New Spain, however, due to geographical and climatic conditions, the migratorial pastoral scheme was unnecessary. There were, to be sure, certain local migrations of herds between up-land and low-land pastures, but there were no cañadas such as those in Spain.⁵ Absence of the migratory system in New Spain made the office of entregador unnecessary.

Lesser important functions of the Spanish Mesta were the assignment of stray animals to their rightful owners⁶ and the regulation of brands.⁷ In New Spain these two functions of the Mesta were more important than they had been in the mother country.

There were several reasons for founding the Mesta in New Spain. The Spaniards were not inclined to engage in the severer occupation of farming in the new lands; it was much easier for them to raise cattle and sheep. Stock-raising soon assumed such proportions

5. The Rocky Mountain sheep walks were not highways in the sense of the Spanish cañadas. They pertain to the vast expanse of territory from Mexico to the British Possessions, and from the Missouri River to the Pacific Ocean. This area had long been the home of countless numbers of buffalo, of antelope, and on the higher elevations, of Rocky Mountain sheep and the Rocky Mountain goat. See Message from the President of the United States, communicating, in answer to a Senate resolution of June 17, 1878, information on the subject of sheep-raising, pp. 12-14.

6. The custodian in actual charge of the strays was called the reusero. See Klein, 13, note 2.

7. Early branding laws are found in Fuero Juzgo lib. 8, tit. 5, ley 8. See Klein, 13, note 3.

that some kind of regulation became necessary.⁸ Antonio de Mendoza, the first viceroy, believed that the herds and flocks should be pastured in common in the pastures, mountains, and by the waters, in accordance with the command of Bishop Fuenleal. By 1536 these herds had increased to such an extent that interminable lawsuits arose between the cattle-raisers and the sheep-owners, principally among the encomenderos. The high judicial body of the audiencia was incessantly molested by these suits, which multiplied daily because of horse thieves. In order to remedy this situation viceroy Mendoza commanded that there be instituted in all the cities and villages of New Spain tribunals of the Mesta,⁹ presided over by two alcaldes, elected annually.

Humboldt implies that more progress was made in sheep-raising during these early years than at any other time. He believes that the Mesta was necessary to the welfare of the early Mexican sheep-raisers.

Since that time no care has been employed in the amelioration of the breed; and yet in that part of Mexico beyond the tropics, it would be easy to introduce the system of management known in Spain by the name of the Mesta, by which sheep change their climate with the seasons, and are always in harmony with them. Nothing is to be feared for ages which these travelling flocks might occasion to Mexican agriculture. At present the finest wool is reckoned to be that of the intendancy

8. Bancroft, History of Mexico, II, 553, note 43.

9. Andres Cavo, Los Tres Siglos de Méjico, Mexico, 1852, p. 38.

10

of Valladolid.

The rapid development of the sheep- and cattle-raising industries was due mainly to the example set by Mendoza. So rapid was the multiplication of sheep and cattle that a protective association was essential to the welfare of the stock-raisers. Stray animals had to be cared for and returned to their owners. All ranches had their distinctive marks or brands which were registered by the various cabildos, or town councils, to prevent rustling and to make it possible to identify the flocks. So numerous were the flocks in the environs of Mexico City that, at the close of the Mixton war, many sheep were taken into the northern country of the Chichimecas; this relieved the pressure of overstocking near the capital city where the flocks and herds had become a nuisance because of the damages done to crops tilled by the natives. This northern country afforded good pasturage on open ranges far away from cultivated fields.

11

Spanish officials believed that the same benefits of the Mesta would accrue to sheep-raisers in New Spain as to those in Castile. They made provision to extend the Mesta to all parts of the Indies:

10. Humboldt, Political Essay on the Kingdom of New Spain, III, 50-51.

11. Aiton, 111.

That in New Spain the ordinances of the Mesta be guarded and introduced in the other provinces of the Indies. The benefit and utility which results from having introduced the Mesta in the Kingdoms of Castile give cause for introducing it into the City of Mexico, and the province of New Spain, with the order of Don Antonio de Mendoza, our viceroy, to make some ordinances for the breeding and increase of the herds, to remedy and punish frauds and crimes which are committed with much frequency; and having been confirmed by us, he shall guard the mandates and comply with our wish that in New Spain a start be given to this common benefit; these mandates shall have complete effect in the nearby provinces where they have not been introduced ... the viceroy, presidents, audiencias, and governors shall found the Mesta for the greater increase and care of the breeding of all herds; they shall not seek out crimes without punishing them; they shall guard the ordinances of Mexico in accord with the laws in this title and the others which are contained herein. 12

Prior to the founding of the Mesta in New Spain all cases of litigation among herdsmen were taken to the audiencia. The first audiencia of Mexico was created December 13, 1527, and the second in 1531. On July 12, 1530 the Spanish officials fixed the limits of the second audiencia, which comprised New Spain from Las Hubieras, Cape of Honduras, Yucatan, Cozumel, New Galicia, el Rio de las Palmas, Florida, and all the provinces from the Cape of Honduras to the Cape of Florida. The first ordinances dictated by the emperor to this audiencia date from April 20, 1528 and were completed July 12, 1530. They laid the base of the ordinances of Viceroy Mendoza. A subordinate audiencia to that of Mexico was founded in New Galicia, 1556,

during the viceroyship of Luis de Velasco. The seat of this audiencia at first was Compostela; after 1560 it met in Guadalajara.¹³ After the founding of the Mesta in New Spain the audiencia acted as a high court of appeal in all suits in which the stock-raisers were involved. By a decree of May 5, 1583, the audiencia was granted civil and criminal jurisdiction in cases of appeal from the lower courts and original jurisdiction in those cases affecting the government and the conduct of its officials.¹⁴ The relationship between the viceroy and the audiencia in cases pertaining to the herds and flocks was as follows:

We ordain that the viceroys shall make provision for the regulation of the herds, the estancias, and the payment of damages; they shall make ordinances which seem to them necessary to good government; and appeal shall be granted them to their audiencias when it is obvious, and justice shall be determined and done.¹⁵

By a cédula of April 29, 1549, the oidores of the audiencia were prohibited from taking any kind of profits

13. Ballesteros y Beretta, IV, segunda parte, 610. Many royal decrees, ordinances, and cédulas from Recopilación de leyes de los reynos de las Indias, and other sources, were reenacted by the audiencia, the viceroy, and even by the local cabildos. The best account of the audiencia is by Charles H. Cunningham, The Audiencia in the Spanish Colonies, Berkeley, 1919. On page 22, note 33, Cunningham evaluates Solorzano's Política Indiana, calling it "probably the most valuable and comprehensive of its kind ever published, barring possibly the Recopilación."

14. Cunningham, The Audiencia in the Spanish Colonies, 84.

15. Recop., lib. iii, tit. iii, ley lli.

from the herdsmen:

I command you not to take profits under any conditions from cattle herds, nor sheep flocks, nor estancias ... for yourselves ... nor for intermediaries, directly or indirectly, nor services of the Indians, nor water, yerba, fire-wood, nor other services nor profits, directly or indirectly, under pain of our mercy and loss of your offices and of your herds at present, and other profits which you have within a half year following. ... We command that our president of this audiencia make notification of said cédula to our said oidores before a scribe of that chamber of the audiencia, and so notified, to place this cédula in the archives, justly with said notification 16

It was ordained expressly by law that the presidents, oidores, criminal alcaldes, and fiscales of the royal audiencia of the Indies should not engage in business, make contracts, nor take any gain from the flocks, nor estancias, nor other negotiations, nor labor by their persons.

The viceroy held the most unique position and had the greatest responsibility of all the Spanish officials in the colony. He was not permitted to engage in business or make profit at the expense of the herdsmen and flock masters. His status has been summed up as follows:

And because it happens that the dignity and authority of the viceroy is greater, and he is a more immediate representation of our royal person, the blame incurred by this crime is more grave. ... We expressly prohibit the viceroys of our Indies from all kinds of dealings, contracts, profits, or their servants, fami-

16. Puga Cedulario, II, 80. Oidores violating this cédula were fined 1000 castellanos (one-fiftieth of a gold mark).

lies, relatives, or any other persons whatsoever, directly or indirectly, in little or great quantity, on sea or land, nor in one of the provinces of another, under penalty of our indignation and of the others whom we refer to as arbitrators. And we declare in the investigation there be sufficient proof, as was ordained in cases of bribery and barratry. 17

Like many other Spanish officials in New Spain the judges of the Mesta were often inefficient, negligent, and incompetent. In the place of remedying the excesses which were prevalent, they permitted them, to the disservice of the King and to the injury of his vassals. In order to remedy this situation the crown empowered the viceroy to take a hand in providing these judges. The viceroy acted as a check on all local judges, and he could make exemplary punishments against those who were guilty of disobedience or neglect of duty. 18

There was close inter-relationship among all

17. Recop., lib. iii, tit. iii, ley lxxiiii. Visitor Tello de Sandoval had accused Viceroy Mendoza of violating this cédula. Mendoza justly complained that Tello would virtually be governor of New Spain during the time he should take the residencia of himself and the oidores. He was also embittered because of the disrespect shown by Tello after his arrival at Vera Cruz. The visitor there made known that he was Mendoza's superior, and being asked, "What of the viceroy?" he answered: "Ship him to Spain when I deem it proper." On his arrival in Mexico he published the viceroy's residencia twice throughout the land, as if he were the lowest corregidor or alcalde in the country. It has already been noted, however, that an overwhelming mass of evidence from every quarter of New Spain was presented in favor of the good viceroy. Eventually Mendoza was cleared by the Council of the Indies and Tello de Sandoval was put in his proper place. See Bancroft, History of Mexico, II, 531, note 29.

18. Recop., lib. v, lit. v, ley xix.

Spanish officials and institutions of government throughout the colonial period. Immediate regulation of the mesta was in the hands of the local town councils. Appeals in law suits could be made from the mesta to the audiencia. All regulations issued by the mesta, and by the cabildo, for the guidance of the stock-raisers required the viceroy's or governor's approval to become valid. The viceroy and the oidores of the audiencia were in turn responsible to the Council of the Indies and to the crown for all their acts.

19

The town council, or cabildo, merits some consideration because it was more closely associated with the mesta than any other institution. In Mexico City, twelve regidores were elected, six every other year, on the first day of the New Year. From 1538 on, the regidores elected two alcaldes de mesta, or judges of the sheep walk, each year. The cabildos regulated all local affairs, fixed prices, and passed measures with the consent of the viceroy, granted citizenship and lands to newcomers, and were very important in the administration of the kingdom.

20

The power of the crown reached down to this local institution. As early as

19. The internal organization and functions of the cabildo are described by Ballesteros y Beretta, IV, segunda parte, 619-620.

20. Aiton, 68. Cf. Bancroft, History of Mexico, III, 615, note 47. See also Meham, 209, note 10.

Mendoza's time this body had ceased to be truly elective, as in all cases the regidores were required to present a title of appointment from the crown.²¹ The annual elections included merely the election of members of the cabildo to the following posts: alcalde ordinario (municipal judge), alcalde de la mesta, deputies, holders of goods of intestates (tenedores de los bienes de los difuntos),²² and procurador mayor. These offices were filled annually by the cabildo members from their own body. The alcaldes de la mesta were, therefore, ex-officio members of the town council. The cabildo met two or three times weekly and expedited all matters pertaining to local affairs; this included regulation of pastoral problems, meat markets, slaughter houses, the common pastures (ejidos), weights and weight inspection, meat inspection, the town water supply, taxation, and many other items. These were day-to-day problems concerning the sheep industry which needed immediate attention; they could not be delayed until the regular semi-annual meetings of the whole brotherhood of the mesta.

Having considered the relationship between the

21. Aiton, 67, note 83.

22. These officials were chosen at the first meeting of the cabildo on each New Year. Lists of them are to be found in the minutes of these meetings. See Actas de Cabildo, IV, 111, et passim through subsequent volumes.

mesta and the viceroy, the audiencia, and the cabildo, it is well to turn to the internal organization for further light on the legal and political status of that body of sheep and cattle-owners.

The internal organization of the Mesta in Spain has already been noted.²³ The primary function of the Spanish Mesta was the regulation and supervision of the semi-annual migrations of the flocks in search of greener pastures and milder climate. This function of the Mesta in New Spain was secondary in importance; sheep migrations over long distances were unnecessary, because there were no sharp contrasts in climate in the new land. The Mexican Mesta, while it was patterned after that of Spain, primarily regulated brands and the assignment of strays to their rightful owners; it was a protective association, or league of stock-raisers for the promotion of their own interests; it held ordinary jurisdiction for the punishment of petty offenses, as thefts of sheep and cattle, encroachments, damage to property and the like.²⁴

23. See above, p. 10, et passim.

24. The assertion of Helen Phipps that in New Spain the mesta "was entirely unnecessary there because the sheep-raising region was not one of sharp contrasts of climate" is untenable. While the mesta in Spain primarily regulated the migratory systems, it also performed many of the functions of the mesta in New Spain. The rapid increase of herds and flocks in the new land, their pasturage on the common lands, and the consequent lawsuits that ensued between the sheep-owners and the

The constitution of the mesta describes in detail the internal organization of that body and specifies the functions, privileges, and obligations of the officers and members. ²⁵ The powers of the viceroy over ²⁶ the mesta are plainly stated in the document.

cattle-men, were all adequate reasons for the transfer of the mesta to the colony. See Helen Phipps, Some Aspects of the Agrarian Question in Mexico, Columbia Univ. Press, New York, 1923, p. 25, note 15.

25. Texts of the constitution of the mesta in New Spain are to be found in the following sources: Actas de Cabildo, IV, 313-315; a slightly revised text is in Actas de Cabildo, VII, 394-396; Recop., lib. v, tit. v, leyes i-xx; Teatro de la legislacion, XXIV, 110-113; the completely revised and amended constitution of January 25, 1574, is to be found in Don Eusebio Bentura Beleña, Recopilación de algunos mandamientos y ordenanzas del gobierno de esta Nueva España, hechas por los Exmos. Señores Vireyes y Gobernadores de ella, formada y dispuesta por el Dr. Don Juan Francisco de Montemayor y Cordova de Cuenca, oydor de la real audiencia y chancillería que reside en la ciudad de Mexico, de orden del Illmo. y Exmo. Señor Don Fr. Payo Enríquez de Rivera, virey lugar teniente del rey nuestro señor, gobernador y capitán general de Nueva España, año de 1677, 2 vols., Mexico, 1787, I, 27-64. (Hereinafter cited as "Beleña.") This constitution is much longer than the one of July 1, 1537; indicating rapid growth in the pastoral industry, in order to meet the needs of the times, many changes were made in the constitution and numerous amendments were added to it. An abbreviated form of the text may be found in D.I.U., XXII, 213-215. In the first three sources mentioned above the texts are essentially the same, the only difference being that some of the items are not arranged in the same order.

26. See Appendix A for the document of July 1, 1537. This instrument was a re-enactment by the cabildo of Mexico City of legislation emanating from the Spanish crown. The minutes of the cabildo read as follows: "Don Carlos, by divine clemency, emperor, always august King of Germany, Don Juana, his mother, and the same Don Carlos, by the same grace, Kings of Castile, of Leon, of Aragon, of the two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia of the Mayorcias, of Seville, of Cerdena, of Cor-

At the election of the *alcaldes* the town council
 chose one or two *alcaldes de mesta* ²⁷ whose duty it was
 to preside over the semi-annual council of livestock
 holders, and to attend to all regulations concerning

dova, of Corcega, of Murcia, of Jaen de los Algarbes, of Algecra, of Gibraltar, of the Canary Isles, of the Indies Isles, and Tierra Firme of the Ocean Sea, Count of Flanders, and of Tirol, etc., inasmuch as Don Antonio de Mendoza, our viceroy of New Spain, informed sufficiently that that land should have a *mesta* in order to prevent damages to herds, and other frauds and crimes which were done daily, I ordain that they shall have it in Mexico City, in its territories, and in the whole province of New Spain; and the council, justice, and regidores of said city, in order that said *mesta* shall be conserved and shall have good government, shall make and ordain certain ordinances, the tenor of which follows:

"In the great city of Tenuxtitan, Mexico, of this New Spain, of the Indies, of the Ocean Sea, July 1, 1537, meeting in the *cabildo* and *ayuntamiento* in the houses of its council, according as has been the custom and use, the justice and regidores of this city convene to know the magnificent señor and very noble señores, the licensed Francisco de Loyasa, oidor of the royal *audiencia* of this New Spain, Gerónimo Ruyz de la Mota, and Hernan Perez de Bocanegra, *alcaldes ordinarios* in this said city, and Bernaldino Básques de Tapia, Francisco Santa Cruz, Lope de Samaniego, Gonzalo Ruyz, Don Luis de Castilla, Juan Velásquez de Salazar, and Antonio de Carbayal, regidores, in my presence. Miguel Lopez de Legaspi, public scribe of said *cabildo*. Said gentlemen and justices said that inasmuch as in this said city, and in its territories, and province of this New Spain, there is a quantity of herds, and from each day pleasing to Our Lord God it is hoped to have more, and in order for the guard and conservation of them, and for the good of those who have them, and good government, they agreed upon and ordered that at present the following ordinances be guarded": (The text of the *mesta* constitution follows, as it is given in the Appendix.) Actas de Cabildo, VII, 394-396. Cf. Vol. IV, 314-315.

27. Bancroft states that two *alcaldes de mesta* were chosen. Article I of the *mesta* constitution plainly provides that one or two were to be selected. See

sheep, cattle, and other domestic animals. They were to be able, capable, and conscientious persons, elected to keep the herds and be familiar with the things over which they had jurisdiction. After being nominated and elected, they were to execute faithfully their office by doing all that would cause justice to be done to the parties, without hatred, partiality, affection, or interest. The first election of the *alcaldes de mesta* took place in Mexico City, January 1, 1538.²⁸ The minutes of the *cabildo* for January 1, 1538 read:

Alcaldes de mesta elected for this year are Gerónimo Ruiz de la Mota and Hernan Perez de Bocanegra. When they enter into the *cabildo* they shall take the oath according to the form of law and shall promise to fulfill faithfully the duties of their office²⁹

Gerónimo Ruiz de la Mota was an outstanding personality in the organization, for he served more terms than any other official; they were non-consecutive terms as follows: 1538, 1543, 1548, 1553, and 1556.³⁰ Article XIV of the *mesta* constitution³¹ provides that the *alcaldes de mesta* shall be elected on the first day of each year by the city council. Although they were elected to serve for one year, they could not succeed

History of Mexico, II, 522.

28. Alton, 110-111, note 86.

29. Actas de Cabildo, IV, 111.

30. See Appendix B for the list of *alcaldes de mesta* who served during the sixteenth century. This list is to be found in Cavo, Los tres siglos de México, 39-72.

31. See Appendix A.

themselves in office, except for very just cause, there being no other competent candidate available. This ruling was rather strictly adhered to, for in only four instances throughout the century did alcaldes serve two years consecutively each: Juan de Burgos in 1541-1542; Antonio Cadena in 1567-1568; Doctor Bustamente in 1570-1571; and Hernando de Rivadeneira in 1574-1575. While Article I provides that one or two alcaldes shall be elected to serve for one year, in practice two alcaldes were usually chosen for the office. The year 1547 is the only instance where an alcalde served alone; he was Francisco Santa Cruz.³² It is interesting to note that from 1538 to 1560 several of the alcaldes served non-consecutive terms. This may have been because the membership was small and not many brothers were anxious to serve in an official capacity. From 1560 to 1600 most of the alcaldes served only one term. It is reasonable to assume from this fact that the organization was active continuously and kept increasing in membership. In listing the officials of the municipal government of Mexico City, Cavo usually put the alcaldes of the mesta first. This is doubtless an indication that the office was considered one of importance. In the cabildo records from 1538 on the mesta judges are listed among the first

32. See Appendix B.

officials of the cabildo.

The alcaldes were to hold each year two councils³³ of the mesta, one on the sixteenth of February and the other on the last day of August. Each council was of ten days' duration and was not prolonged except when the council deemed it necessary. The council in August was held in the valley of Matalzingo, or Toluca, or in the place which seemed most convenient to the alcaldes; and the other council, in February, was held at Tepeapulco. Brothers attending the meeting at Toluca lived in the territory adjacent to Toluca; those who came to the council at Tepeapulco resided in the district near that town.

A uniform system of condemnations and punishments was prescribed by the mesta ordinances. All penalties, whether in money or in herds or flocks, were to conform to the memorandum book of laws and royal ordinances which were enforced by the mesta in the Kingdom of Cas-

33. The document of July 26, 1541 puts this first meeting of the year on February 16th; see Actas de Cabildo, IV, 313; the revised constitution of May 10, 1568, puts this meeting on January 16th. Actas de Cabildo, VII, 394. It is possible that for some time this session was held on February, and subsequently changed to January 16th. Most authorities support the date of January 16th. See Bancroft, History of Mexico, III, 522, note 15; also see page 615, note 47 of the same volume. Cf. Mecham, 209. Article II of the mesta constitution in Recop., lib. v, tit. v, ley iii states: "Los alcaldes de la mesta han de hacer todos los años dos consejos a diez y seis de Enero, y treinta y uno de Agosto." See Appendix A, Article II.

tile. This is further evidence of the transfer of an institution, retaining its fundamental characteristics, from the parent country to the new land; the ordinances and penalties of the mesta in New Spain were duplications of those in force in Castile.

Before they went to any of these councils, it was the duty of the alcaldes to proclaim in Mexico City, in Pueblo de Los Angeles, and in the other cities, villages and places in New Spain where it was necessary, that all the owners of herds should attend the mestas, and should bring all their ewes, sheep, lambs, and other such herds of that kind belonging to the mesta. All owners of herds were obligated to look for stray animals mixed with their herds, to separate them, and give them up to their owners, paying what might seem reasonable to the alcaldes for their custody; the penalty for anyone who should not do so was a fine of ten sheep to the damaged party, and in addition, he was compelled to pay to the mesta in his district four-fold; and if the stray sheep were branded, he was forced to pay seven-fold. All kinds of herds such as mares, horses, mules, cows, pigs, sheep, and lambs, were to be mesteñas, that is to say, their owners were encouraged to be members of the mesta, and the herds and flocks were to be under the jurisdiction of the mesta.

For the sake of convenience a corral of the council

was made where all the herds which were apprehended were penned up. This corral was built at the cost of the city; it was located next to the slaughter house, in a place designated by Señor Don García, who had charge of the keys and doors to the corral.³⁴

The Mesta in New Spain paid particular attention to the regulation of brands.³⁵ No person was allowed to have in his herd a brand which another had; all the brands had to be different in order that the animals could be readily identified.³⁶ Brands were stamped with a red-hot iron on the lambs. These marks were permanent and any attempts to alter or deface them were punishable by law. Sometimes the branding-iron would be a stamp of the owner's initials; other distinctive marks were also used, such as a small circle, an oval, a triangle, a square, a cross, or almost any conceivable combination of these. While the iron was hot, it was stamped on the lamb at a single stroke, and with uniformity.³⁷ All brands were registered in the town

34. Actas de Cabildo, VIII, 34.

35. It has already been noted that branding laws in Spain were not detailed. See Klein, 13, note 3; from Fuero Juzgo lib. 8, tit. 5, ley 8. For branding regulations of the mesta in New Spain see Appendix A, Articles V, VI, VII.

36. Representative brands of the owners in the vicinity of Mexico City are reproduced in Appendix C. For others see Actas de Cabildo, II, 196-210.

37. The process of branding is described in Jennings, 172-173; Randall, 182-186. The best method of permanently marking a sheep is by the tattoo mark. Tat-

council.

The mark of cropping the ears was prohibited by the mesta. If two or more owners cut short the ears of their sheep, they could easily be confounded. Such marks were an invitation to fraud and deception. Any owner who cropped the ears of his sheep was liable to lose his whole flock to the council, and any herdsmen who had such a mark prior to the enactment of this regulation was compelled to change his method of marking.

If two flock masters took the same brand, the Council of the Mesta arbitrarily gave to each one a distinct brand. No two owners could have the same brand.

The Council of the Mesta could take no action without at least five persons, herdsmen and brothers of the fraternity, being present. Mesta officials could absent themselves from the meetings for cause only; the only legitimate excuses for absence were sickness or other very urgent reasons. When a sick official had recovered from his illness he was compelled to attend the

tooting instruments were not used for this purpose until in recent times. See Wing, 201-203.

38. In Ecuador, Peru, and Chile there was no such institution as the mesta. Branding regulations were usually fixed by the town council in Ecuador and Peru. See Libro Primero de Cabildos de Quito, descifrado por Jose Rumazo Gonzalez, Quito, 1934, II, 25-26; also see page 346. In Chile a certain member of the cabildo of Santiago was designated by his fellow members to take charge of all matters pertaining to the herds and flocks. See below, Chapter X, page 380.

next cabildo meeting and take an oath before a corregidor³⁹ that he had been ill.

The mesta had limited property qualifications for membership. All persons who had flocks of three hundred, or more, ewes, sheep, hogs, and goats, or at least twenty cows or mares were required to be brothers in the organization.⁴⁰ They were obligated to attend the meetings in person, or to send someone to the council to represent them in case it was impossible for them to be present. No member was permitted to be absent without a just and reasonable excuse. The herds of owners who could not qualify for membership in the mesta were called "mesteñas" because they lacked the mark of ownership.⁴¹

It was the duty of the alcaldes de mesta to try all cases in which the herdsmen were involved. Disputes over property rights, theft of livestock, encroachments, damages, and punishments were all under the jurisdiction of the mesta. It is interesting to note that the alcaldes did not always wait until cases

39. Actas de Cabildo, XIII, 255. For the quorum regulation see Appendix A, Article VIII.

40. Bancroft, History of Mexico, III, 522, note 15; also see page 615, note 47. Cf. Curtis A. Wilgus, Colonial Hispanic America, Washington, D. C., 1936, p. 320.

41. Riva Palacio, México a través de los siglos, II, 491. The qualifications for membership were raised in the constitution of 1574. See below, page 430. Cf. Appendix A, Article IX.

were brought before them; they were constantly on the look-out for irregularities and offenses against the law; each year they made a general investigation, even if no one had been accused of theft or other crimes committed in the province. Penalties were imposed on all persons found guilty; these penalties were adjusted by the alcaides in accordance with the law that fitted each particular case.⁴²

The Council of the Mesta also acted as a central rent-collecting agency. For this purpose the office of majordomo was established; the majordomo was assisted by several deputies. These officials were to do whatever seemed suitable for the better disposition of the tenancy, in accordance with the orders of the council or expedience might dictate as being the best thing to do.⁴³

The council passed all ordinances and regulations which it deemed useful, necessary, and advantageous to the welfare of all the brothers. It is well to remember, however, that none of these regulations could be applied until they were brought before the viceroy for his approval, if he saw fit to do so; his rejection of any ordinance automatically made it null and void. Each act that he approved was promulgated and put into ef-

42. Appendix A, Article X.

43. Appendix A, Article XI.

44
fect.

Particular attention was paid to all livestock
which were found astray.⁴⁵ When animals were abandoned
and their owner could not be found, it was proclaimed
in Mexico City and in the whole region round about that
such animals went astray; the word went out from one
council to another and soon the information became
general. If the owner could not be found, the strays
were applied to the property of His Majesty and as such
surrendered to the royal treasury. It was the use and
custom for an auditor general to be put in charge of
them. Usually he sold the strays, kept an account of
the money he received for them, added this money to the
royal treasury, and made a detailed report at stated
times during the year.

The alcaides de mesta made visitas at regular in-
tervals each year through rural areas in search of
stray animals. All strays which they themselves found,
or which were being held by other owners, were deposited
temporarily by them with certain responsible herdsmen.
Information concerning such deposits was sent back to
the cabildo; the quantity of the herds and flocks de-
posited, and with whom they were deposited, were re-
ported. These herds served as a kind of reservoir from

44. Appendix A, Article XII.

45. Appendix A, Article XIII.

which His Majesty could always draw in case the royal treasury was getting low. All information and records concerning these herds, the reason for their deposit, the quality of them, and with whom they were left, were kept by the scribe of the mesta. It was his duty to make regular reports of such strays to the cabildo, under penalty of twenty pesos to the chamber of His Majesty.

46

Besides being a source of revenue for the royal treasury stray animals were often applied to the support of eleemosynary institutions. Notable among these was the College of the Children of Christian Doctrine in Mexico City. King Charles V, in a letter to Doctor Quesada, an oidor of the royal audiencia in New Spain, states:

A great part of the deputies of the College of the Children of Christian Doctrine have informed me that said children sustain themselves with the alms which the people give them, and that there is no one of them who is not in need; and they supplicate me to have mercy on said college from the lost herds which come to the agora and which are found farther into said New Spain; since I have done mercy, and in order to do mercy by alms for said college, and for the good of doing mercy for the time of ten years, we command that half of the whole herd of cattle and sheep in New Spain be given them ... we command the president and oidores of the royal audiencia, and other officials, to hear such cases speedily and require them to conform to the laws, in order to know whose herd was lost during the time of said ten years, and not finding their owner, to go and attend with half of all of them at said college,

47

or wherever it seems best to hold it.

This was a very worthy cause, but unfortunately, as had been done in so many instances, much of the money was not used for its intended purposes.

... and during said time they profited nothing because there was no one to execute it and many persons of all states, Spaniards, mestizos, and negroes, took and profited by it as if it were their own thing, of which our chamber was defrauded and the children of said college had not collected the part which belonged to them, nor could they collect anything if it were not remedied ... we command that a judge be provided who should take account of the past years of all the judges, scribes, officials of the mesta, and of all other persons who have had and have charge, and should have it during the time of said favor, and hence-forth to give instruction and investigate what persons have taken, marked, erred, and appropriated for himself or for some other people of said strays and lost herds of cattle and sheep 48

This edict further provided that all livestock found in the hands of persons who had obtained them by dishonesty were to be returned immediately to the royal chamber and to the college under pain of heavy penalties.

It is specifically provided in this edict that strays not only in the province of Mexico, but those "farther into said New Spain" were to be used for the support of the college. The province of New Galicia responded generously and willingly to this call:

... henceforth, for the present, we do mercy and alms to said recognized children of said city of Mexico, from the other half of all the herd which should stray or be lost ... in the province of New Galicia 49

47. Puga, Cedulario, II, 191-192.

48. Ibid., 192.

49. Ibid., 199.

On November 27, 1553, viceroy Luis de Velasco sent Doctor Quesada, who had been serving as oidor in the audiencia of Mexico, to the newly created audiencia in New Galicia. The primary purpose of this mission was the execution of matters pertaining to strays intended for the college. Before setting out for his new post of duty Quesada suggested that his successor in Mexico City be someone interested in the welfare of the college. A letter from the emperor states:

He asks me to command that you provide that Diego Ramirez, or the licensed Lebron ... or another oidor ... do and execute what the said doctor has done about the aforesaid. I command you to see that the provisions be so carried out as directed by said Doctor Quesada concerning strays. 50

After officials of the mesta had finished their year of service they were compelled to attend personally the following Council of the Mesta to answer any complaints or demands against them, before the alcaides who succeeded them in office. They were to give an account of all their acts while in office and take care of any unfinished business. Similarly the majordomo gave a report concerning rents and other accounts, and whatever differences (shortage) should be found were delivered to the one who followed him.⁵¹ In this way an unbroken set of accurate records was kept.

50. Ibid., 226.

51. Appendix A, Article XV.

The *alcaldes de mesta* were empowered to sign the firm name to all decrees before they passed them; decrees were signed by the *alcaldes* and the seal of the mesta was stamped upon them before they went into effect. The ordinary *alcaldes* of the town council also had a voice in the passage of mesta ordinances, and acted as a check on the *alcaldes de mesta*.⁵²

Mesta officials petitioned the viceroy to grant licenses in order that the *alcaldes* could carry the staff of justice throughout the province. Wherever the councils were held, and during the whole time they were in session the *alcaldes* acted as itinerant justices from the day they left to attend the mesta until they returned home, trying all petty cases pertaining to the pastoral industry. The *alcaldes* elected constables to execute the decrees and regulations of the mesta. All constables were also empowered to carry the staff of justice during their itineraries. The minutes of the cabildo meeting of May 13, 1546, throw light on the duties of the constable:

Today they ordered that license be given to Juan Alvarez, constable of the country, to carry the staff of justice into the country, mountains, and common land of this city; and he can take whatever herd or other thing he considers necessary to the corral of the council; and he cannot take it into another place without being liable to penalties. 53

52. Appendix A, Article XVI.

53. Actas de Cabildo, V, 138.

The *alcaldes de mesta* were also assisted by deputies who were chosen by the members of the town council. These deputies served usually in cases of emergency, when the demands became too heavy on the *alcaldes* and constables; their work was generally of temporary nature and they served terms of about two months.⁵⁴

According to law and custom all herds were registered annually before the scribe of the *cabildo* and then proclaimed publicly. Regulations of January 3, 1549, concerning the registration of herds are as follows:⁵⁵

This present year which begins with the Passover (*pascua florida*) they ordered that all neighbors and those living in this city who have any kind of herds whatsoever shall register them, declaring on oath what kind of herds they have, the larger or smaller type; their ages and what breed they are, must be on said register of this city, before one of the deputies and the scribe of this *cabildo*, throughout the present month of January. In said register there shall be no fraud, under penalty of twenty pesos de minas,⁵⁶ half to the chamber and fiscal of His Majesty, and the other half to said city. This registration must be made of steers, sheep, and hogs. It is ordained that this be proclaimed publicly in order that it may come to the attention of all.

Accounts were kept of all cases tried before the *mesta*. Special care was taken in the recording of all fines and fees. From time to time the *cabildo* commissioned a certain member to investigate the activities

54. Actas de Cabildo, IV, 323. The first two deputies of the *alcaldes de mesta* were Senores Alcaide Bernaldino de Albornos and Gonzalo de Salazar. They were chosen in the *cabildo* of Mexico City, January 1, 1543.

55. Actas de Cabildo, V, 241.

56. See table in Aiton, 114, note 99. Cf. table

of the *alcaldes de mesta*, "to know what condemnations they made, or what deposits pertain to this city, and, in order that the one-fourth be collected."⁵⁷ This money was used by the municipality for the benefit of the public.

It is interesting to notice that the constitution of the *mesta* was a flexible instrument and adaptable to changing needs and circumstances. Officials of the *cabildo* and of the *mesta* were given wide discretionary powers over local matters pertaining to the grazing industry; they could alter ordinances or decrees of higher officials if such decrees were not for the best interests of the brothers of the *mesta*. The minutes of the *cabildo* of Mexico City for the session of April 11, 1578 read:

Today the señores said that notice has come to them that His Excellency has made certain ordinances of the *mesta* which are a hindrance to the *alcaldes de mesta*; having conferred, they ordered that the señor *procurador mayor*, with the concurrence of the lawyers of this city, shall provide for this cause, and request and do what diligence would deem necessary. 58

The *procurador mayor*, with the advice and cooperation of the lawyers of the city, had another important function, namely, that of guarding the preeminence of the office of *alcalde de mesta*. He was to see that the al-

below, page 240.

57. Actas de Cabildo, VIII, 407.

58. Ibid., 335.

caldes were competent and that they did not neglect their duty. He also acted as a check on the powers of the cabildo over the ⁵⁹alcaldes de mesta.

It has already been noted that there were no cañadas, or extensive sheep highways, in New Spain. Since there was no migratory system in New Spain comparable to that in the mother country, sheep walks were usually short and local in character. All matters pertaining to the sheep paths, however, were under the jurisdiction of the mesta. The cabildo records of September 27, 1544 deal with this question:

Talking concerning the mesta and the sheep walks ... alcalde de mesta, Antonio de la Cadena, by petition given him by the residents of this city, said that he would inform them on all that was provided for or that was necessary touching the sheep walks ... and that he would inform His Lordship that he would provide for it. 60

A lesser important function of the alcaldes de mesta was that of participation in public ceremonies. The death of the king, or any other high government official, was an occasion in which the alcaldes, attired in appropriate regalia, took part. On the death of ⁶¹Prince Don Carlos the cabildo officials commanded that mourning draperies of coarse cloth should be given to the alcaldes de mesta, and to the lawyers of said

59. Ibid., 41.

60. Actas de Cabildo, V, 65.

61. The "problem child" and son of Philip II. See William Thomas Walsh, Philip II, New York and London, 1937, p. 437.

city, as well as to said señores regidores, which must be done due to the death of Prince Don Carlos, Our Lord, mindful that they are the body (corporation) of the city and have to go with it in said honors. 62

The *alcaldes de mesta* were usually able men and when their terms of office expired they frequently served in some other capacity on the town council. Some of them were elected to the office of *alcalde ordinario*; 63 others served either again on the *mesta*, or as deputies, holders of goods of intestates, constables, inspectors of slaughterhouses, and so on. Upon entering the office of *alcalde de mesta* they took a solemn oath to perform their duties in accordance with the ordinances.

The influence of the *mesta* in New Spain on later similar institutions in the United States cannot be overlooked. The Mexican *mesta* of the sixteenth century has become a part of Western life in this country. The jueces del campo ("judges of the plain") in California are an outgrowth of the *mesta*. They were obliged to attend the annual rodeos for the purpose of collecting and branding all livestock in the district; they settled disputes about the ownership of sheep and cattle, the identity of brands, and the like. 64 The *mesta* had such lasting and widespread influence because it was a

62. Actas de Cabildo, VII, 430.

63. Actas de Cabildo, IV, 159.

64. Charles Howard Shinn, Mining Camps, a study in American Frontier Government, New York, 1885, p. 86.

nomadic institution, perfectly adaptable to the needs of pastoral life anywhere, as much to the cattlemen as to the sheep-owners. The mesta was also the forerunner of the later Cattle Raisers' Association in the United States. The authority of the alcalde in deciding violations of sheep and cattle codes had a continued application in the United States.

65

We have seen that the mesta in New Spain was in many respects a duplication of the Spanish mesta. It was a league, or fraternity, of stock-raisers for the promotion of their interests and for protection. The relationship of mesta officials to other governmental institutions has been noted. The alcaldes de mesta were ex-officio members of the cabildo, or town council, and these two bodies were closely associated. Although the mesta officials had considerable discretionary power over local pastoral matters, all their acts were subject to final veto by the viceroy. This highest ruling official in the colony was responsible for all his acts to the formidable Council of the Indies and to the King himself.

Sheep- and cattle-raising soon outdistanced all

65. Harry Bernstein, "Spanish Influences in the United States," Hispanic American Historical Review, XVIII, 47. In our southwestern states of Texas, New Mexico, Colorado, and northward the stock men still follow the ancient Spanish plan.

other industries in the new colony. With the rapid increase in the flocks and herds many lawsuits ensued between the herdsmen, and the demands upon the audiencia became too great. The Mesta was introduced to try these petty cases, which it did with justice and expedition. Although it was fundamentally a protective association of stock-raisers both in Spain and in New Spain, when transferred it did not preserve all its Spanish aspects; in New Spain there was no elaborate migratory pastoral system such as there was in the parent country. That it was beneficial to the herdsmen and flock masters in New Spain is not to be doubted.

CHAPTER V. SOCIAL ASPECTS OF THE WOOL INDUSTRY

This chapter is no attempt at a general treatment of social conditions in New Spain, but rather an examination of the social status of workers in the wool mills. The Spanish government allotted Indian laborers to the owners of wool mills, then made numerous attempts by legislation to ameliorate the lot of the natives; ordinances and decrees were issued to regulate working conditions and hours; regulations concerning the payment of wages and tenure in service were also passed. The Spanish government even attempted to regulate the morals of Indians, negroes, mestizos, moriscos, and Spaniards. The crown persistently tried to improve conditions among these classes by legislation, but the Spaniards in the colony, with equal persistence, had a degrading influence on the natives. We shall see that the missionaries did more for the benefit of the Indians than any other group of Spaniards. In general, the viceroys were benevolent toward the natives, and tried to carry out the decrees of the crown in their behalf.

It is a truism that the great majority of the Spaniards looked upon the Indians as inferior beings, unfit to live together on a democratic basis, and capable only of doing hard labor in the mines and culti-

vated fields.¹ There were a few Spaniards, to be sure, who believed that the Indians were "noble savages,"² and deplored their ill-treatment by the Spaniards.

Although many friars championed the cause of the Indians, the chief exponent of the "noble savage" school was fray Bartolomé de Las Casas.³ He attempted to crush his opponents who contended that the Indians were savages whose services and belongings could properly be commandeered by the Spaniards. He argued that it was the duty of the king to see that the Indians were kept free; he based these contentions on Scriptural quotations.⁴ He proposed rightly that the Spaniards bring negroes to work in the Indies, because they were more robust than the Indians. They would work in mines and a considerable number could work advantageously at agriculture and stock-raising.⁵ Exploitation of the

1. An excellent little monograph which sums up the Spanish concept of the Indians and general policy in dealing with them is by Lewis Hanke, The First Social Experiments in America, a study in the development of Spanish Indian policy in the sixteenth century, Cambridge, 1935. Chapters III, IV, and V describe experiments made to ascertain whether or not the Indians were capable of living together in peace and harmony.

2. Ibid., 20. Columbus was the founder of the "noble savage" school.

3. Riva Palacio, México a través de los siglos, II, 79.

4. Bartolomé de Las Casas, Historia de las Indias, 5 vols., Madrid, 1875, III, 431, et passim.

5. Ibid., IV, 82. Spanish abuses of the Indians are discussed in detail throughout these volumes. Many

West Indian natives brought about almost total extinction of the island tribes and was denounced in scathing terms by such noble-minded men as Las Casas.

It is a well known fact that the Indians at first received the Spaniards well, and gave them houses, and things to eat. In return the Indians were forced to labor in the fields and mines, and were treated cruelly. It was against such injustice that Las Casas steadfastly objected. He kept up his fight for more than a half century in behalf of the Indians, pouring an endless stream of invective year after year on the heads of his opponents, and exposing Spanish frightfulness. Their whole treatment of the natives was unmitigated deviltry, unrelieved by any kindlier traits. But his labor was not all in vain. The New Laws, passed largely because of his efforts, suppressed Indian slavery and changed⁶ the attitude of many Spaniards toward the natives.

The raising of livestock partially supplanted Indian labor in the gold and silver mines. As soon as the Spaniards realized that the quest for rich mineral resources could not be carried on indefinitely without the supporting industries of agriculture and stock-

Indians were killed by fire and by the sword. They were abused most harshly during the period 1518-1530. For an account of the Indians at the time of the Conquest see Cervantes de Salazar, Crónica de la Nueva España, Madrid, 1914, pp. 46-51.

6. Pallesteros y Beretta, IV, segunda parte, 624.

raising, domestic animals, for pasture and transport, became the humble redeemers of the Indians. The mule, cow, horse, and sheep prepared the way for the reformers whose influence obtained the issuance of royal decrees for the protection of the natives;⁷ the laws of Burgos greatly relieved the painful conditions of Indian servitude. Work in the fields and with livestock was much less arduous to the Indians than labor in the mines.

The benevolence and paternalism of viceroy Mendoza toward the Indians have already been alluded to. The Indians were considered a royal charge and, in 1535, Mendoza received instructions from the crown to protect the natives.⁸ It is obvious, however, that the Spaniards had advantages in the new lands which none of the Indians enjoyed. The Indians did not understand the value of gold and silver, nor did they use them for many purposes; they did not use the mulberry tree in the production of silk, nor were the grassy plains covered with herds belonging to the Indians. In all these things it was very apparent that the Spaniards were favored, without intended harm to the Indians. In his instructions to his successor, Luis de Velasco, Mendoza wrote:

7. Alfonso Teja Zabre, Guide to the history of Mexico, a modern interpretation, Mexico, 1935, p. 154.

8. Ballesteros y Beretta, IV, segunda parte, 625.

The Indians must be treated like sons, and must be loved and chastized, especially in cases of disrespect, because in this case, no dissimulation is necessary; and special care must always be taken that the leaders do not chastize them with excessive tributes or too much service 9

Many Spaniards were wont to locate their sheep ranches near fields cultivated by the Indians, and much damage was done to the Indians' crops. In order to stop these abuses Mendoza ordered that a trustworthy man be sent to make an investigation and to do what seemed to be necessary to avoid such damages. These cases were tried before local courts, often by the *alcaldes de mesta*, and all damages which the Indians received had to be paid. But Mendoza's policy was not one-sided: "it was necessary that the Indians who maliciously occupied land and did damage to the Spaniards, by newly breaking up lands around their *estancias*, and in other parts without it being necessary ... shall not be permitted to do so."¹⁰

Mendoza lamented the fact that the Indians of the several provinces in New Spain received great injury from lack of supervision. He was unable to put into effect a *cédula* that provided that one *oidor* be used as

9. Instrucciones que los vireyes de Nueva España dejaron a sus sucesores. Añadense algunas que los mismos trajeron de la corte y otros documentos semejantes a las instrucciones, México, 1867, p. 230. See also Riva Palacio, México a través de los siglos, II, 361.

10. Ibid., 236.

an itinerant justice, as he had only two oidores and it was impossible for one to carry on the entire work of the audiencia. Thereupon he urged the appointment of permanent alcaldes mayores, or provincial governors, who could exercise permanent control over the conduct of the Spaniards toward the Indians.¹¹

The good viceroy did many other things in favor of the Indians. He returned to the former Indian holders some lands which Cortés had occupied in the valley of Toluca, allotting to each Indian a piece measuring 100 varas by 20, or about eight acres.¹² He provided that Indians be paid for their labor in the fields, on the estancias, and in the mines.¹³ He passed ordinances for the good treatment of Indians who labored in the mines; heavy penalties were meted out for infractions of these ordinances.¹⁴ It is needless to say that the Indians liked Mendoza and looked upon him as a father.

Many of Mendoza's personal servants were Indians. At the time of the Sandoval visita Mendoza was served in his palace by 120 natives who worked in shifts. They

11. Leslie B. Simpson, The Encomienda in New Spain, Berkeley, 1929, p. 163.

12. McBride, 115, note 12.

13. Riva Palacio, México a través de los siglos, II, 362.

14. Paso y Troncoso, III, 186-189. Other decrees of Mendoza regarding treatment are to be found in P. Mariano Cuevas, Documentos inéditos del siglo XVI para la historia de México, México, 1914, pp. 52-53.

carried wheat to the viceroy's mill, hewed wood for his kitchen, and carried water from Chapultepec.¹⁵ Other Indian laborers worked in the mines, toiled in the fields, and tended the sheep and cattle on the ranches.

In order to get a clear idea of the social status of the Indian and other laborers on the ranches and in the mines it is well to consider the social system in general in New Spain. The main social elements were Spaniards and Indians. There were also negroes, moriscos, and an increasing number of mestizos. All these classes crossed and recrossed, making other breeds and social classes ad infinitum. Class lines drawn were racial, with the Spaniards at the top as the most privileged, dominant group; this class held all offices of government, the best lands, concessions, and rights to Indian labor.¹⁶

Mendoza conceived the excellent idea of establishing an Indian order of nobility to reward all Indians who showed the most progress in Christianity and service to the crown. This implied only the granting of a title and its insignia. It is unfortunate that this in-

15. Aiton, 36, note 51.

16. Ibid., 85. It was obvious to Mendoza that the policy of the Spanish government to increase the royal revenue, and to convert and protect the Indians, was inconsistent. He took a middle-of-the-road course by allowing services under supervision, and with limitations. See note 2.

expensive device was not adopted, for it would have been a means of causing the natives to be more loyal to the crown.¹⁷

At the expiration of his term¹⁸ of office as first viceroy of New Spain, Mendoza left a set of detailed instructions to his successor, Luis de Velasco, who was also just, wise, and sympathetic toward the Indians.¹⁹ By a royal cédula of September 21, 1551 the Indians were not to be forced into slavery in any way. The salaries both of the viceroy and of the oidores of the audiencia were raised on condition that they would not exploit the Indians. "I charge you especially that the Indians shall not be burdened, and that they shall not do any personal services as slaves on the sheep ranches."²⁰

Concerning the raising of salaries of the high government officials the cédula reads:

17. Simpson, The Encomienda in New Spain, 165. Bishop Zumarraga founded a school for Indian boys, which proved successful. Mendoza personally examined them in Latin and found them proficient, considering the length of time they had studied.

18. For a summary of his administration, noting his reforms for the benefit of the subjects under him see Riva Palacio, México a través de los siglos, II, 358-359.

19. Velasco's first decree after entering office set free a number of Indians who were held as slaves by mine-owners and others. See Charles Morris, The Story of Mexico (place of publication omitted), 1914, p. 176.

20. Puga, Cedulario, II, 138; this is a reenactment of cédulas of 1549 and 1550; see *ibid.*, 81; see also Bancroft, History of Mexico, II, 566. Oidores disobeying this cédula were liable to dismissal from office.

We command that 2000 pesos more than Antonio de Mendoza, who was viceroy of this land was accustomed to receive, be given, and that the oidores of the audiencia of this land and audiencia be raised 50,000 maravedís a year for each of them, with the motive that they do not deal with nor contract, nor take any profits nor services from the Indians, to do justice to them and not cause them to be aggravated: in the agora it has been related to us that you take into your houses many Indian slaves and that many other Indians from that city in the part of Tlaltlilulco render services personally. ... I command you that henceforth they shall do no services without a just salary 21

Velasco did all in his power to carry out the king's benevolent policy toward the Indians. He commissioned Diego Ramirez to go to distant towns for the following purposes: to prevent corporal punishment on the natives by the friars; and to remove flocks of sheep and herds of cattle grazing on the lands to the injury of the natives. 22

After the Conquest and occupation of Mexico the system of encomiendas and repartimientos was introduced to serve the three-fold aim of the Spanish crown, namely, to extend the realm of the crown, to convert the natives to the Christian faith, and to acquire wealth. This system consisted in the distribution of the Indians

21. Ibid., 138-139. A royal command of June 1, 1549 checked the practice of forcing the Indians to carry heavy loads. See Bancroft, History of Mexico, II, 567.

22. Bancroft, History of Mexico, II, 570. Ramirez also ordered to see that spiritual aid was administered to the natives. Christian doctrine was to be guarded at all times and the Indians were to be treated humanely. See Cuevas, Documentos para la historia de México en el siglo XVI, pp. 170-175.

among the conquerors. Each colonist was assigned a certain chieftain with his followers; these natives were obliged to till the land, work in the mines, care for the flocks and herds, and carry burdens for the ²³
encomendero.

The decree regarding repartimento provides that "Indians shall be reparted to the conquistadores and pobladores, and a reasonable number of them shall be reserved for the persons of our kingdom who shall popu-
late and settle this land." ²⁴ The specific duties of the Indians were declared in the law: "we permit that the Indians be placed in repartimientos necessary to labor in the fields and breed herds ... having a sufficient number of natives or others, volunteers to aid
²⁵ in the day's work"

The conquistadores claimed that it was necessary to make perpetual repartimientos of the Indians, in order that the Spaniards could sustain themselves in the land. They urged that the Indians be put in encomienda to care for herds and flocks, to cultivate the
²⁶ crops, and to labor in the mines. The defenders of

23. These grants were first called repartimientos. Later, in order to appease the opposition of Queen Isabella, they were called encomiendas (meaning that the Indians were entrusted to the Spaniards' care). See McBride, 43, note 11.

24. D.I.U., X, 91.

25. Recop., lib. vi, tit. xii, ley xix.

26. Paso y Troncoso, II, 178.

the encomienda system of enforced serfdom claimed that the natives were inherently lazy, and if left free,²⁷ would never do any work. It is true that the encomienda was generally considered a privilege for the encomendero, not for the Indian; this is evidenced by the fact that all Indians who voluntarily accepted the Christian faith were exempt for a period of ten to twenty years from being given in encomienda.²⁸ The first encomiendas in New Spain were granted by Cortés without royal authority, prior to May 15, 1522. Charles V did not want the system instituted in New Spain and the vital clauses of the encomienda decree were repealed in²⁹ 1545.

It is well to remember that the Spanish crown did all in its power to protect the natives from abuses by the conquistadores and other Spaniards. In practice, however, most of the royal decrees were ignored and the³⁰ New Laws of 1542 were ineffective in operation. A

27. MacNutt, The Letters of Cortés to Charles V, II, 223.

28. Phipps, The Agrarian Question in Mexico, 35, note 58.

29. Historical documents relating to New Mexico, Nueva Vizcaya, and approaches thereto, to 1773, collected by A. F. A. Bandelier and Fanny R. Bandelier, ed. by Charles W. Hackett, 3 vols., Washington, D. C., 1923, I, 27. Cf. Phipps, The Agrarian Question in Mexico, 29-30. It was not until the eighteenth century that the encomienda system was finally abolished.

30. Mecham, Francisco de Ibarra y Nueva Vizcaya, 206-207.

special effort was made by Charles V on October 20, 1545, when he extended the jurisdiction of the audiencia over encomiendas. He authorized the audiencia to act as protector of the Indians, to see that they were not unjustly treated.³¹

The encomienda system was replaced by that of the corregimientos, in charge of local officials called corregidores, who as royal representatives were to govern the Indians as tributary vassals, and grant them almost equal freedom with the Spaniards. Their most important function was to report on the land and resources of the natives in their district, and the natives were compelled to pay tribute on the basis of these reports. They held civil and criminal jurisdiction in matters of litigation, and political and economic supervision of their districts.³² Another function of the corregidor was to act as a spy on the encomendero. Mendoza thought this very weak, and found the corregimiento system utterly ineffective as a check on the abuses of the encomendero.³³

31. Cunningham, The Audiencia in the Spanish Colonies, 92. This law was reenacted at successive dates until 1610. As early as July 10, 1532, the audiencia judges wrote complaints to the crown concerning Spanish cruelty to the natives. See Paso y Troncoso, II, 183.

32. Bancroft, History of Mexico, II, 329. Their duties are given in detail in royal instructions of July 12, 1530. See note 29.

33. Simpson, The Encomienda in New Spain, 163.

The close relationship between agriculture and stock-raising has been pointed out by Solorzano.

Understanding what we can about agriculture and what ought to be practiced in the matter of personal service in the Indies: it remains that we see it as just to apportion them by force for the breeding and guarding of their herds and estancias 34

Each Indian shepherd was charged with the guarding of eight hundred sheep, and he had to pay the price of all sheep which, through his own carelessness and negligence, perished or were lost; these prices and penalties were regulated by law. The wages of the shepherds were so low that many times it took their whole earnings to pay for sheep that strayed, or were stolen or injured. 35 Many times the unfortunate Indian shepherd tried to find excuses when flocks in his care went astray. For a long time all these excuses or alibis were of no avail: "... it was not a good excuse to say that a wolf ate the beast or that it died; because he had to prove or at least to swear that it was not his fault, and to show the pelt if he could."

The Spanish government soon realized that these regulations worked a severe hardship on the natives and

34. Política Indiana, lib. II, cap. XI, p. 103. Solorzano mentions the doctrine of Aristotle who taught that "both occupations or studies are of great commercial importance; to breed and to pasture the herds is a life of agriculture; our lawyers sometimes judge them by the same thing"

35. Ibid., 106, paragraph 26.

tried to make amends:

Yet judgment like this cannot and ought not be practiced with much rigor in the Indies; nor should they be oppressed, nor violence done them. ... Therefore, the Indians shall guard the flocks and not be obliged to pay the herdsmen for the sheep which were lost during their time; ... damages are to be assessed according to merit, and the value is to be set by the shepherds, depending on the circumstances of each province. 36

Indians serving in encomienda on the ranches usually remained on the same ranches and suffered the same conditions of servitude from one generation to another.

Indians laboring on sheep ranches, the owners of which died intestate, were assigned by the government to the succeeding ranch owner. 37 On June 10, 1535, a law was

enacted which provided that all kinds of property, including slaves, flocks, and herds, were to be handed down to the wife and children on the death of a conquistador. 38

The vast majority of the population in New Spain lived by farming and grazing. 39 All classes of people engaged in these industries in varying degrees:

... the laborers, in proportion to their ability, shall have cattle and sheep herds for the benefit and culture of their haciendas; and they shall apply themselves to

36. Ibid., 106, paragraphs 29 and 30.

37. Silvio Zavala y Maria Castelo, Fuentes para la historia del trabajo en Nueva España, Mexico, 1939, p. 99.

38. Puga, Cedulaario, I, 369.

39. Bourne, Spain in America, 298. The annual value of the products of the soil in New Spain at the beginning of the nineteenth century is estimated at

the breeding of mules and horses useful for my royal service, and to the increase of cows ... dedicating themselves above all to protecting industry, mining, and commerce, as departments which directly contribute to the wealth and happiness of these, my Dominions. 40

Excessive Spanish abuses of Indians and attempts by the crown to regulate them have already been alluded to. Indian slaves were given in perpetuity to the Spaniards and were owned like any other kind of property.⁴¹ The Spaniards killed, robbed, attacked, and drove the Indians from their lands. In the repartimiento system the

Spaniards do not treat the Indians as vassals, but as slaves and enemies, in the mines, in carrying burdens, and in personal services. In most places they do not observe any rotation in the selection of Indians, and they live as lawlessly as though they were not Christians at all, a situation not to be understood well save through conversation concerning it. 42

Local Spanish magistrates were easy dupes who made no effort to check these injuries and robberies caused by the insatiable greed of the Spaniards.

Inhumane treatment of the natives was even sanctioned by some Spanish officials of great power and authority. Nuño de Guzman, president of the audiencia, granted licenses to brand slaves in the province of

\$30,000,000, or about one-third greater than the yield of the mines.

40. Real Ordenanza para el establecimiento e instrucción de intendentes de exercito y provincia en el reino de la Nueva España, Madrid, 1876, p. 73, no. 63.

41. Historical documents relating to New Mexico, I, 135.

42. Ibid., 159.

Pánuco, and this province became almost depopulated; nine or ten thousand frightened natives left there and fled to the woods, preferring to die of hunger before being branded and subjecting themselves to slavery.⁴³ Cortés had branded many slaves and he ordered that three hundred of them be taken on the Pánuco expedition.⁴⁴ All slaves without regard to age or sex were marked with a red-hot iron - sometimes on the thigh, but more frequently on the cheek.⁴⁵ It is a well known fact that the Spaniards partially satisfied their greed by land-grabbing, despite all efforts of the crown to check such dishonesty. The Indians, however, were not always submissive before their overlords, and many struggles and lawsuits ensued between them and the land-hungered Spaniards.⁴⁶

Indians laboring on the cattle and sheep estancias were maltreated in a manner which caused them to flee and leave their homes permanently; many of them died of hunger or exposure, and their plight was often ignored by their masters. Local justices only pretended to chastize persons guilty of these grievances and the Indians continued to be aggravated and dissatisfied.

II, 79. 43. Riva Palacio, México a través de los siglos,
 44. Ibid., 77.
 45. Ibid., 78.
 46. Phipps, The Agrarian Question in Mexico, 34.

In order to remedy these conditions the Spanish crown passed the following rigid regulation:

For the present I ordain and command that henceforth no owners of estancias, laborers, nor of other haciendas, can receive nor admit any Spaniards, mestizos, mulattoes, negroes, nor other persons in service ... unless first and before all things they give security ... that they will not do damages, force, violence, evil treatment, nor other grievances to said Indians. And if they do these things ... they must pay said majordomos and servants the penalties which they have incurred. 47

The law further provided, for the enforcement of this act, that regular visitas should be made during terms of service of local officials, who were also subjected to the residencia at the close of their terms of office.

All legislation, however minute in detail, could not change the innate and acquired greediness and meanness of the Spanish settlers. Their very existence in the New World depended upon Indian labor. Most Spaniards had been unaccustomed to work at home; they were, in the main, sons of the Spanish noblemen who had sowed their wild oats in Spain. After living a life of ease and luxury in their home land, they could not support themselves when they came to New Spain. 48 Viceroy Mendoza conceived the excellent idea of employing these idle men, filled with energy, in the exploration of the vast interior of the new land. 49 By and large, the mission-

47. Beleña, I, 18-19.

48. Winship, 376.

49. Ibid., 377.

aries were more concerned about the welfare of the Indians than any other group; as far as possible, they stood between the natives and the Spaniards, attempting⁵⁰ to shield the former from unjust and rapacious men.

Spanish morals were low, even to the point of degrading the Indians and other lower social classes. One of the most common crimes was the theft of sheep, cattle, and horses. Many times youths and servants stole these animals and claimed that they had bought them from the owners. This was true particularly of teamsters who used oxen as beasts of burden and for hauling. In order to check these crimes the law provided that

whatever laborer or teamster who should buy steers for his labor and cart hauls shall be obliged to show them before an alcalde mayor of the jurisdiction where they made such purchase, in order that he may note it down in a book; and on such herd shall be placed a brand from the mesta which the alcalde mayor shall hold throughout the year, in addition to the days on which the alcaldes hold the Council of the Mesta. 51

Any person who purchased herds or flocks also was obliged to bear testimony before a scribe, giving all the details of his purchase. The penalty for not doing this was loss of the whole herd, applied according to the ordinances of the mesta. And if the scribe should find that the animals had been stolen the penalty was

50. Blackmar, Spanish Colonization in the Southwest, 13.

51. Beleña, I, 49. This is article 54 of the mesta constitution of 1574.

seven-fold, the guilty party being punished with the
 52
 whole rigor of the law.

Living conditions of the Indians were in a sad state. They lived in their own villages, separated from the whites and in deepest ignorance. They knew nothing of the so-called blessings of European civilization. The introduction of domestic animals and plants slightly ameliorated their condition; but accompanying these new blessings were many diseases. Almost all of their ancient culture was lost; crafts at which they had long labored declined. The Indians were either serfs in the encomienda system, or if free, lived by the most primitive agriculture along with hunting and
 53
 fishing. In their primitive state the Indians wore

little or no clothing. The Spaniards, a few of them at least, exhorted the Indians to dress themselves and, after sheep were introduced and wool mills were founded, the natives began to dress themselves in woolen gar-
 54
 ments.

Particular attention was paid to natives who worked in the wool mills. They were closely supervised by Spanish overseers; they were feared and distrusted by the Spaniards; all Indians working in the wool mills

52. Ibid., 50.

53. Haring, Trade and Navigation between Spain and the Indies, 132-133.

54. Beaumont, Crónica de Michoacán, IV, 488.

slept chaperoned by Spaniards, and under a light at night; they were incarcerated together under the most unfavorable conditions. This, like all other public matters, no matter how small, was referred to Spain for regulation. The law to remedy these conditions is very minutely detailed as follows:

I ordain and command that in case of just causes there be Indians imprisoned in the wool mills, the wool manufacturer or his majordomos shall not consent that they shall sleep together in one bed, one with the others, nor in one room, if a Spaniard is not precisely sleeping with them, and with light all the night; under penalty of suspension from their offices for four years, and of 100 pesos for each time, applied by third parts. 55

One of the worst grievances which the Indians who worked in the wool mills suffered was lack of sufficient food. The amount, quality, and kinds of food they were to receive were specified in the ordinances. This food was to be prepared and cooked at the cost of the wool manufacturer:

two pounds of bread, tortillas or tamales, shall be weighed daily with faithful (the public inspector's) weight, and the weight stamped, and meat on meat days, and fish (on fish days), broad beans, kidney beans, salt and chili; and they (the Indians) shall not give money for the food, nor maize, nor grain, nor meat, nor vegetables for cooking, but it shall be prepared according as is said, under penalty of 100 pesos de oro común for each day that they should fail to do so, applied in thirds to the Chamber, council, and denouncer 56

55. Beleña, I, 86, cap. 25.

56. Ibid., 84, cap. 19. The justices in charge of this were compelled to make a diligent examination to see that all Indians received food sufficient to sustain them.

Decrees and ordinances passed to correct the evils in the wool mills became increasingly numerous and more minutely detailed. It became more evident to the crown, with the passing of time, that the excesses and offenses against the Indians were almost irremediable. The crown revised and re-enacted old ordinances, and decreed new ones to remedy the deplorable state of affairs in the wool mills; cases where no penalty was involved were arbitrated; sentences meted out by inferior judges were to be executed, notwithstanding appeal; all persons condemned could not be heard by superior tribunals.⁵⁷ Despite these efforts on the part of the Spanish government in behalf of the natives, abuses continued unchecked in the wool mills.

By a decree of Charles V, on July 12, 1530, women were ordered to work with woolens, and other kinds of cloth, in the new land:

Having been informed that the said land yields flax, wool, and other profitable things in which the owners can be occupied, I provide that order be given that all women, Spaniards as well as natives of the land, become accustomed to spin flax, wool, and cotton, and to make cloth of wool and linen in their houses; because besides being useful and beneficial to the land, it is well for the leaders of the population that the women be placed in good customs. 58

All classes of people were encouraged to work on the estancias and in the wool mills. Las Casas, benefac-

57. Ibid., 89, cap. 31.

58. Puga, Cedulaario, I, 173.

tor and friend of the natives, contended that negroes should be imported to do the heavy labor, because they were physically stronger than the Indians. Many other friars looked upon the natives as human beings, ⁵⁹ who deserved to be treated with kindness. Many estancieros and herdsmen had negroes to do their labor. Frequently negro slaves strayed from their masters, were stolen, or became fugitives. These stray slaves were often apprehended and forced to work on the estancias of strangers. The crown, thereupon, passed a law,

that no person, of whatever condition and quality he may be, shall have in his power nor service a negro, negress, nor mulatto slave, which is not his own, nor consent for them to be in his house, estancia, nor grain fields ... under penalty of the value of the negro to the owner of him. ... And I give power and authority to the alcaldes de mesta who now are, and henceforth shall be, in order to make informations and all the diligence necessary to the investigation of the aforesaid; and they shall execute the penalties herein contained; and to a negro, negress, Indian, squaw, mulatto or mulatta, who should conceal any slave shall be given a hundred lashes publicly. 60

Head shepherds on the sheep and cattle estancias

59. Persons who had this concept of the Indians belonged to the "noble savage" school, founded by Columbus. Members of the "dirty dog" school, of which Gonzalo Hernandez de Oviedo was the leading exponent, believed that the Indians were not human - that they were beasts, and should be treated as such. See Hanke, The First Social Experiments in America, 20. Law 32 of the Laws of Burgos provided that whenever "the Indians should give proof of being able to live under their own government, they were to be allowed to do so, by paying the ordinary feudal dues of Spain." A text of these laws has been compiled by Simpson, The Encomienda in New Spain, 50-53. Revisions are on pages 54-55.

60. Beleña, I, 41-42, cap. 41.

were usually Spaniards. Frequently, because of their abuses of persons working under their direction, the owners and breeders of flocks and herds objected to them. In many instances these Spanish head shepherds were supplanted by mestizos, mulattoes, or even by Indians. Persons in these lower castes were equally as immoral and dishonest as their Spanish masters had been; they or their associates under them, did much damage to the herds in their care. The crown ordered that such damages be investigated and that the criminals be punished according to law. Penalties meted out were usually fines, and if the guilty party had no money with which to pay his fine, he was condemned to hard labor for a time sufficient to pay the penalty of his crime; if he were a slave he rendered this service to his own owner or master, who paid the penalty for him⁶¹ by reason of the service rendered.

Theft of livestock was the most common crime committed by persons in the lower castes. Mestizos, Indians, negroes, and mulattoes, who had served Spaniards on their estancias knew the haunts of the herds and flocks and were cunning in stealing them. They kept a reserve quantity of stolen sheep and cattle on hand at all times for slaughter. They specialized in stealing

61. Ibid., 43-44, cap. 45.

horses and this crime became so dastardly and widespread that the crown passed rigid legislation against it. No mestizo, Indian, mulatto, nor free negro was allowed to have his own horse in any manner; they could care for the horses of their masters, but were given two-hundred lashes publicly if any horses in their care were found missing. Spaniards were not permitted in any way to deal in livestock with the natives, mestizos, mulattoes, or negroes; any infringement of this regulation incurred a penalty of twenty pesos de minas, applied according to the ordinances of the mesta.⁶²

That Spanish treatment of the Indians was abominable is not to be doubted.⁶³ As a rule the missionaries were the only element that made sincere efforts to ameliorate the lot of the subject races. There were times, however, when even the ecclesiastics abused the Indians and the crown passed regulations against such abuses: "in the Indies the bishops and ecclesiastical judges cannot burden nor condemn the Indians to pecuniary punishment:⁶⁴ the bishops cannot condemn the Indians to service in the wool mills;⁶⁵ nor to personal

62. Ibid., 50, cap. 56.

63. Equally nefarious were the exploiting activities of other nations. India, China, the Guinea Coast, the Congo, and later, the United States, all took their turns in cheating and abusing the weak, ignorant natives. See Simpson, The Encomienda in New Spain.

64. Solorzano, Política Indiana, lib. IV, cap. VII, p. 48; from Recop., lib. i, tit. x, ley vi.

65. Ibid., ley vii.

service."⁶⁶ Indians condemned for crimes in New Spain, however, and negroes were compelled to perform personal services on the estancias and in the mines for the benefit of real hacienda.⁶⁷ Justices who proceeded against Indians guilty of killing herds and flocks, besides condemning them to the whip, also compelled them to pay⁶⁸ the owners the value of animals they had killed.

Indians who toiled in the wool mills were compelled to stay on the job daily, even though they were prisoners. Fugitives from the wool mills were apprehended and brought back to their work. The law provided that, "even if they are thrown into prisons as fugitives, they shall not be incarcerated, because in no manner is the wool works to be closed, but that

66. Ibid., ley viii. The audiencia in Peru "took away from the whole province personal services and, in place of them, assessed what would appear that the Indians should give as tribute in the place of service for the necessity of labor and guarding the herds." D.I.U., XXI, 270. Cf. D.I.U., XXI, 259.

67. Actas de Cabildo, VI, 491. Alonzo Zauzo was one of the leading exponents in favor of the introduction of negroes to replace Indian laborers. See Simpson, The Encomienda in New Spain, 70. The term "real hacienda" is defined by A. S. Aiton, in "Real Hacienda in New Spain under the First Viceroy," Hispanic American Historical Review, VI, 232. See also C. H. Haring, "Ledgers of the royal treasurers in Spanish America in the sixteenth century," in Hispanic American Historical Review, II, 173-174. A general treatment of this subject is also by C. H. Haring, "The Early Spanish Colonial Exchequer," in the American Historical Review, XXIII, 779-796. The complete history of real hacienda is by Fabian de Fonseca and Carlos de Urrutia, Historia general de real hacienda, 6 vols., Mexico, 1845.

68. Beleña, I, 21.

freely they shall enter and go out of them, prisoners
as well as others." ⁶⁹

In general the Indians were to be well treated. ⁷⁰
They could not be chastized by making them work in the
mines. Beating, whipping, and imprisoning the Indians
were forbidden by the Laws of Burgos. ⁷¹ If an Indian
was to be punished, his case must be laid before the
visitor. Women after four months of pregnancy were not
required to work in the mines or do other heavy labor;
they were used in light tasks such as housework, bread-
making, cooking, and weeding. ⁷² Indians received a
wage of a gold peso a year, ⁷³ besides their maintenance.

Indians working for the Spaniards on cattle and
sheep estancias were not to be abused in any way. The
Spaniards were to pay the Indians for any damages done
against them. ⁷⁴ "No lands or estancias given to
Spaniards shall cause loss to the Indians, nor shall
any damage come to them." ⁷⁵ In spite of this regula-

69. Ibid., 78.

70. Laws passed concerning the treatment of Indians are to be found in D.I.U., XXI, 197, et passim.

71. Simpson, The Encomienda in New Spain, 52, law 19. Legislation for the welfare of the Indians is discussed by Altamira y Crevea, Historia de España y de la civilización española, III, 226-231.

72. Ibid., law 18.

73. Ibid., law 20. Las Casas deplored such low wages, saying this was enough to buy them "a couple of combs and a mirror, a kerchief and a red cape." See note 8.

74. Zavala y Castelo, Fuentes para la historia del trabajo en Nueva España, 19.

75. D.I.A.I., II, 29.

tion, however, the herds and flocks continued to eat and destroy seeded fields belonging to the Indians.

Various labor organizations, or guilds, were established to protect the laboring class. They regulated personal service, wages, working conditions, and days of rest. In regard to wages payable in money and not in kind, the ordinance of the "Shearing Industry," 1574, provided that "Indian shearers shall be paid their wages in money and not in wool."⁷⁶

The Indians also enjoyed exemption from certain kinds of taxes,⁷⁷ and were respected in their property rights, at least to some extent. A bull of Paul III, in 1537, declared Indians were to be respected as to personal property and proclaimed excommunication in cases of encroachment. Some Indian chiefs, however,

76. Zabre, Guide to the History of Mexico, 177. The Laws of Burgos, and other Spanish labor legislation, were essentially similar to modern labor legislation, according to Zabre. The main reason for discouraging the payment of shearers' wages in wool was that the church was defrauded of the tithe. The Indians, however, desired payment in wool for shearing, because that decreased the amount of the tithe. The crown attempted to correct this by commanding that "the justices in this New Spain (each in his own jurisdiction) shall take particular care not to permit agreements to shear which are paid in wool ... they shall compel Indian shearers ... to receive pay in money" Beleña, I, p. 58, cap. 76. Prices for hauling and carrying were fixed by law, and infractions of these laws were frequent. See Aiton, 115. This subject is treated by A. S. Aiton, "Early American Price-Fixing Legislation," Michigan Law Review, XXV, 15-24.

77. Eyler N. Simpson, The Ejido, Mexico's Way Out, Chapel Hill, 1937, p. 16.

took advantage of this act, grabbed land for themselves, and became rich and powerful landlords.

The crown granted many privileges to Indians living on sheep and cattle estancias. They were not prohibited from breeding all kinds of sheep and cattle, as the Spaniards could do, without discrimination. The audiencias and justices were ordered to see that justice was done in this matter.⁷⁸

The Indians were permitted to hold market days in the towns and "... they shall not be molested by the Spaniards or other persons ... they may go and sell in the cities their merchandise, woolen blankets, chickens, maize, and other things which are novel, without damage or vexation."⁷⁹

The Spanish government passed ordinances to improve the lot of Indian women and children who lived and labored on the estancias. Women and children who were not old enough to pay tribute were not obligated to do any work. But "if it is their wish and their parents' to seek for a boy to be a shepherd, let them pay him two and one-half reals a week, and each year five pesos, paying in current money, and more food and clothing for the use of the Indians."⁸⁰ Indians who tended the

78. Recop., lib vi, tit. i, ley xxi.

79. Ibid., ley xxviii.

80. Recop., lib. vi, tit. xiii, ley ix. In Peru, Indian boys of nine or ten years of age could work for

flocks and herds were not obligated to pay the owner for any animals that went astray during their time of service. The value of such strays varied, depending on the circumstances in each province; it was determined⁸¹ by the owners themselves and paid by the government.

According to Spanish law the Indians who worked in the wool mills were not to be enslaved, or otherwise abused, because of debt. The crown made every effort to see that these Indian debtors received justice. They were to be tried in the vicinage, by the judge who resided in the town where the wool mill was located.

The decisions of all outside judges were null and void.

And a wool worker who should contract a debt in another town, or before a justice other than his own ... such justice shall incur a penalty of suspension from office, and of 100 pesos for each case so taken, applied in third parts to the Chamber, judge, and denouncer.⁸²

The social aspects of the wool industry in Peru were very similar to those in New Spain. For the most part, Spanish legislation in regard to the wool industry in the colonies was effective in all the Indies. Spinning, weaving, the manufacture of bedding, fabrics, flannels, blankets, serge, coarse cloth, and other woolens of all kinds, were carried on in Peru. These

wages in the wool mills until they were eighteen years old without paying tribute. A mature Indian received 35 pesos a year. See Solorzano, Política Indiana, lib. II, cap. XII, p. 108.

81. Ibid., ley XVII.

82. Beleña, I, 76-77, cap. 2.

products compared favorably with the best which were imported from Spain. In Peru, as in New Spain, Indians were allotted to labor in the wool mills. The Spaniards insisted that the Indians dress themselves properly "and not cling to the ways of Ethiopians and others who live nude." The law provided that the Indians working in the wool mills were to receive all things necessary to their sustenance; they must be given sufficient food to eat, clothes to wear, and beds in which to sleep. According to law, the Spaniards were to treat them kindly. ⁸³

Peruvian wool manufacturers followed Greek and Roman precedents:

It can also be pondered in favor of giving the Indians work in these wool mills, the example of which the Romans set in theirs, which they call Textrinos in Latin, and in Greek, Ginecios from the word Gine which signifies the interior part of the house where the women were accustomed to spin and weave, occupying in it many workers who were of servile condition; and some laws call them slaves (mancipios) and compelled them to work always in this ministry, together with the women and children, without the power to leave them ... which are occupied in giving tints of purple to the robes of the Emperors ⁸⁴

The wool mills were advantageous and profitable not only to the Spaniards, but also to the Indians. The work in them was not very difficult; the wool mills were usually conveniently located and easily accessible to the natives. The wages of the Indians were suf-

83. Solorzano, Política Indiana, lib. II, cap. XII, p. 107.

84. Ibid., 108.

ficient to their sustenance and payment of tributes. At moderate prices the Indians could have woolen clothing with which to dress themselves, and blankets for their protection and comfort. Had the Indians and Spaniards not been able to produce these staples in the colonies, they would have been deprived of them entirely; they could not pay the exorbitant prices of such articles imported from Spain. The Indians were also permitted to have wool mills of their own, which they administered well. They had the legal right to rent their wool mills, a privilege which the Spaniards did not enjoy. The native wool workers also had much time for leisure, which unfortunately they did not always use in wholesome activities; their idle moments were often wasted in vice and riotous living. Nevertheless, the Spanish missionaries were untiring in their efforts to teach the Indians to be better social and political beings, and to cling to the holy Catholic faith.⁸⁵

Leaders of thought and action among the Spanish colonials believed that the repartimiento system could be tolerated, continued, and expanded, only by doing all possible to ameliorate the conditions of the natives. The Peruvian viceroy, Don Francisco de Toledo, passed ordinances concerning Indians who worked in the

85. Ibid., 108.

wool mills. These ordinances precisely stated what tasks each Indian was to perform, and what wages were to be paid; the distance in leagues from where Indians could be brought to labor in the mills was also fixed. The natives were not to be oppressed nor aggravated in their work; nor could they be held for a long time, nor unjustly. The wool mills, according to a decision of the audiencia, were to be visited often by the justices in order that they might know whether or not these provisions were being enforced.⁸⁶ Finally, legislation was passed which provided that in all the Indies the Indians were to be taken out of the wool mills, and in no way were they to be forced to labor in them. It was "totally prohibited to allot Indians in the wool mills ... or to condemn Indians to serve in them as is done with Spaniards, mestizos, negroes and mulattoes."⁸⁷

86. Ibid., 109. Cédulas regulating the wool industry emanated from the crown and operated uniformly in the Indies. Most cédulas were re-enacted by the governmental units in the colonies, even down to the cabildos which incorporated the substance of royal decrees and ordinances in their own acts. On October 7, 1603, the Peruvian viceroy, Don Luis de Velasco, re-enacted a royal cédula which provided, "in order to remedy the excesses and evils of the wool mills of the province of Quito ... that Indians can be allotted who do not live more than two leagues from the vicinity" In 1610, the Count of Lemos reported that four wool mills were erected on one Indian repartimiento, conveniently located so that the Indians had to walk only a half league to work. Afterwards the distance was extended to two leagues in accordance with the above cédula.

87. Recop., lib. vi, tit. xiii, ley viii. This

In Peru, Indians were not to be given in mita, or forced to serve against their own will, as was the custom in the provinces of New Spain. To some extent, however, the Indians in New Spain were allowed to work voluntarily in the wool mills, at a salary agreed upon at the time their services began. They were also permitted to look for better opportunities in other wool mills, and to change masters.

88

The crown attempted to improve the lot of Indians working in wool mills throughout all the Indies. In 1549 a cédula was dispatched to the audiencia of Guatemala, which strictly prohibited the encomenderos from incarcerating Indians in corrals to spin and weave cottons and woolens, and to pay tribute; they could do it in their houses, in a manner that would not aggravate them. The Council of the Indies fostered the building of many wool mills, and provided further regulations to raise the status of the Indian workers. The Council of the Indies did not even permit voluntary labor of the Indians; it decreed that the Indians were to be equal partners with Spaniards, and that all labor in the wool

law was to be enforced, even if the wool mills had to shut down because of lack of workers.

88. These were called obrages abiertos, a term applied to wool mills always open to transients who might be looking for work. See Solorzano, Política Indiana, lib. II, cap. XII, p. 109. The law prohibited the renting of wool mills in which Indians were allotted. See Recop., lib. iv, tit. xxvi, ley vi.

mills should be done by negroes:

... henceforth, in no province, nor other part of these realms, can they (the Indians) work in said wool mills of the Spaniards, nor in the sugar mills, linen, wool, silk, cotton, nor any like thing; yet the Spaniards shall hold the said wool mills and sugar mills in company with the Indians, or in whatever manner they can be benefitted with negro service, or any other kind of service which seems good to them, and not with Indian service 89

Besides being equal partners with the Spaniards in wool manufacturing, the Indians were also permitted to own and operate wool mills independently. The Spaniards were punished if they interfered in any way with mills belonging to the Indians.

Rigid regulations for the construction and maintenance of the wool mills were enacted. The viceroy and royal audiencia of each district where a wool mill was founded were to be given detailed information on the founding, quality, and conditions of the mill.⁹⁰ If any mill was founded exceeding the authority granted, it was ordered torn down. The oidores who went on visitas of the land were ordered to punish any excesses⁹¹ they found in these wool works. Any person desiring

89. Ibid., 110.

90. Recop., lib. iv, tit. xxvi, ley 1.

91. Ibid., ley ii. In 1680, in Quito, the viceroy, contrary to law and custom, granted licenses to build several wool mills. The King, thereupon, ordered that such wool mills be demolished, and that, henceforth, the Council of the Indies was to see that no wool mills were constructed without a royal license. See Solorzano, Política Indiana, lib. II, cap. XII, p. 3.

to build a new mill or to repair an old one had to give good reasons for his plans, and get a royal license to do so.

The justices could not condemn, nor throw Indians into slavery in the wool mills, as punishment for any crimes. And any native who had been enslaved in the wool mills for crimes was to be freed, or his sentence commuted to some other, less rigorous kind of punishment.⁹² A common method of punishing Indian criminals⁹³ was service in a convent or on public works projects.

Much legislation was passed by the Spanish government to regulate actual working conditions and child labor in wool manufacturing. In the wool mills, negroes were not permitted to work mixed with the Indians, because of the harm done to the Indians in the company of negroes.⁹⁴ Children of nine or ten years of age were permitted to work in the wool mills with the consent of their parents; they worked at light kinds of work only,⁹⁵ and were forbidden by law to engage in heavy drudgery.⁹⁶ Married women could not serve in the wool mills, unless their husbands worked with them; single Indians were not obliged to serve against their will.

92. Solorzano, Política Indiana, lib. II, cap. XII, p. 110.

93. Recop., lib. vii, tit. viii, ley x.

94. Recop., lib. vi, tit. iii, ley xxi.

95. Recop., lib. vi, tit. xiii, ley x.

96. Ibid., ley xiv.

The crown did all in its power to discourage immorality in the wool mills. It was a very common practice for Spaniards, regardless of their own marital status, to seduce Indian women, both married and single. Rigid legislation was passed against such evil practices; all Spaniards who seduced Indian women were punished to the full extent of the law; married Spaniards suffered⁹⁷ more severe sentences than single ones.

Further reforms and regulations were effected by viceroy Don Martín Enríquez to improve conditions in the wool mills and on the estancias. Roundups on the estancias were done almost universally by mulattoes, who served for very low wages, ranging from twelve to⁹⁸ twenty pesos a year. Indians also participated in these rodeos, but so many of them were massacred in conflicts with the whites, mulattoes, and negroes, that Indian labor on the estancias became scarce. Thereupon, the mulattoes demanded a raise in wages, seeking fifty, eighty, a hundred, and even two-hundred pesos a year, and declaring that they would not serve unless it were paid.

Many mulattoes were of low moral character and spent their salaries in the wicked vices of drunkenness and concubinage. Their own material needs were slight;

97. Recop., lib. vi, tit. vii, ley xiii.

98. Beleña, I, 16.

food was to be had on the estancias, and they had only to provide their own clothes. Many of them left the estancias and became vagabonds, causing a scarcity of labor and a consequent rise in the prices of meat, hides, and wool.

Viceroy Enríquez studied these problems and made provision to solve them:

I ordain, for myself and His Majesty ... that said mulattoes shall work and shall not go as vagabonds, under the penalties which are imposed ... and that none of them in this New Spain can seek, nor raise, a salary, each year, of more than forty pesos de oro común; and those who were caudillos, or are as such in some estancias, shall receive up to seventy pesos of said gold, and no more, and in respect to the time that they should serve 99

No owner of an estancia or herd, nor a majordomo, were permitted to fix a salary higher than the above amount, under penalty of a hundred pesos de oro comun for each offense. These fines were divided into three equal parts: a third to the Chamber and fiscal of His Majesty; another third for the supply of the war against fraudulent Indians; and the other third to the denouncer, or judge who executed the penalty. Justices in these cases who did not faithfully perform their duties were liable to suspension from office for a year, with loss of his salary for that time.

Viceroy Enríquez continued the policy of his prede-

cessors to ameliorate the lot of the Indians and to correct abuses and excesses which were committed in the wool mills. He decreed that the Indians should not be compelled to weave cloth or make clothing against their own will.¹⁰⁰ There were several centers in New Spain where Indian weavers worked under adverse conditions and received great injury; many of them became ill and died. Enríquez ordained that these natives should not¹⁰¹ be forced to labor.

Affairs pertaining to the wool industry, like virtually all other public matters, great and small, had to be referred to Spain for decision. The crown passed innumerable decrees and ordinances for the benefit of the wool industry, and to raise the social status of the natives. But many Spanish officials in the New World, from high to low administrative posts, were not dependable. The Spanish government feared and distrusted them. The numerous, and minutely detailed royal ordinances regarding the wool industry plainly indicate that colonial officials were granted very little dis-

100. Zavala y Castelo, Fuentes para la historia del trabajo en Nueva España, 6-7. There are not many references in this work to work in the wool mills or on the sheep estancias.

101. Ibid., 9-10. Some of these towns were Xalapa, Tututepeque (pp. 9-10), Tlapa (p. 19), Tezuatlán (p. 25). Several natives from the town of Chicomesuchil petitioned Enríquez that they should not be given in service in public works. See page 58.

cretionary power over industry. Self reliance and independence of thought and action were discouraged and divisions and factions were fostered among them. The home government tried to do all possible for the welfare of the Indians, but was too distant to interfere effectively in their behalf. For the most part, however, the viceroys of sixteenth century New Spain set a good example by the interest they took in fostering the wool industry,¹⁰² and in improving the lot of the Indian workers.

We have seen that despite the efforts of the viceroys and the missionaries to enforce legislation intended to improve social conditions in the wool mills, Spanish abuses of the natives continued unabated. There were too many Spaniards in the colony whose sole ambition was to get rich - by any means, ethical or unethical. The quest for gold and silver was their chief aim. By and large, they were inherently lazy, and forced the ignorant natives to perform all the hard labor in the mines, on the estancias, and in the wool mills. In

102. Their influence persisted long after the close of the sixteenth century. As late as the middle of the eighteenth century, Viceroy Revilla Gigedo, who served from 1746-1755, left instructions "to extirpate the abuses and extortions which are committed in the wool mills ... and to take care that the breeders and owners of cattle and sheep register the brand, or mark with which they mark them." See Instrucciones que los vireyes dejaron a sus sucesores, 23.

respect to morals the Spaniards had a degrading influence on the natives. It is reasonable to assume that Spanish greed, laziness, disrespect for law, and unfair treatment of the natives, are reasons why Spanish power and influence could not endure permanently in the New World.

CHAPTER VI. THE MANUFACTURING OF WOOLEN CLOTH

Although a crude kind of woolen tapestries was made by the natives¹ at the time of the Conquest, the manufacturing of woolen goods did not begin in New Spain until 1543.² Viceroy Mendoza, believing that the lasting prosperity of a country was to be found in its agriculture, and in the developments of arts and commerce, laid the base of wool manufacturing in the new colony. The office of the viceroy had wide powers over local administration, and all matters pertaining to the wool mills came within the scope of this high office. Legislation regarding the wool mills frequently emanated from the crown; it was re-issued by the viceroy, and its immediate execution was in the hands of the cabildo.³

Licenses for factories could be granted only by the king through the mediation of the viceroy and audiencia. "None shall be founded in any way, or for any cause, nor in any place, without my express license, or of the viceroys ... and those which are founded shall execute the penalties in these posts"⁴

1. Cortés, in a letter to the Emperor, mentioned woolen tapestries and other gifts given him by Montezuma. See D.I.A.I., II, 67.

2. Bancroft, History of Mexico, II, 536, note 3. Cf. Beaumont, Crónica de Michoacán, IV, 488.

3. Actas de Cabildo, IX, 345.

4. Belená, I, 81.

Originally, when woollen manufacturing was introduced by Mendoza, the Spaniards had complete supervision over the wool mills, though the labor was performed by Indians and mestizos, into whose hands the industry passed in after years. Under the pretext of protecting the Indians, innumerable regulations were passed, amounting virtually to restrictions of rights and liberties they had always enjoyed. Indians were to be encouraged to work in the factories, and without their labor they would have been forced to close. All laws for the good treatment of Indians were to be rigidly enforced in manufacturing establishments. Due to the paternalism of the Spanish monarch, efforts were made to improve conditions under which the natives worked. The wool industry made rapid progress, because it was

5

increasingly favored by the crown.

The licenciado Cristobal de Benavente wrote a letter to the king, June 1, 1544, describing the progress of the wool industry in New Spain:

6

5. Bancroft, History of Mexico, III, 616. To favor the industries in Spain, raw wool from Mexico was exempted from duties. See note 52. At the beginning of the eighteenth century the principal wool factories were located in Querétaro, Puebla, and Valladolid.

6. Paso y Troncoso, IV, 94. He also stated that there were "herds of all kinds and species in abundance, and they multiply rapidly, almost twice in fifteen months. All these profits are in the power of the rich and men who have Indians in encomienda, because with them, they are started and sustained, and without them, they could not sustain themselves."

... it improves in favor of the Indians each day, and there are some woolens as good as those of La Mancha, of Aragon, and of other notable places, for which there have been made, and they are making great wool mills to produce all kinds of woolens, blankets, coarse woolen stuffs, goats' hair cloth, and other kinds of woolens.

Many of the Indians worked with woolens in their own homes. The Spanish government did everything possible to encourage these local industries. The Indians were free to work in the wool mills, if they so desired; they were also permitted to spend a part, or all of their time working in their houses. The wool manufacturers could not compel them to come to the wool mills. The Indians were given absolute freedom to enter and leave the wool mills at their own will; they could not be forced to work long into the evenings, nor could they be confined in any part of the wool mills as punishment. The penalty for infraction of these regulations was
7
twenty pesos de oro común.

Negroes and mulattoes did not enjoy the same privileges as did the Indians. The doors of the wool mills were to be kept open at all times, presumably guarded
8
by a Spanish or Indian guard. The law required that no wool manufacturer shall have in the door of his wool mill mulattoes, negroes, nor other young servants, nor majordomos, but that at all hours of the day ... the doors shall be open, without obstruction in them to the Indians who wish freely to enter and work, to go out of and to come into said wool mills.

7. Beleña, I, 83-84.

8. Ibid., 82.

Regulations were passed concerning the sale of wool mills and the disposal of Indians who worked in them. Wool mills could be sold only with the intervention of a justice, who investigated the financial status of the buyer, and saw to the good treatment of the Indians in such mills. The Indians were to be satisfied when such transactions took place; usually they were hired by the new owners. The justices visited the mills to be sold, kept an account of the number of Indians working in each mill, and made sure of their acquiescence in such deals. No wool mills could be sold save by this procedure.

Private ownership of property and individual initiative were encouraged by the crown. Viceroy Mendoza gave every assistance to persons interested in sheep-raising and the establishment of wool mills; this was true particularly in cases where the estancias and mills were used for worthy purposes. A notable instance of this was the case of Don Vasco de Quiroga, Bishop of Michoacán, who, Mendoza declared,

... has made at his own expense in said place, and without aid from the Indians, nor prejudice, a mill with which he maintains his house, a college, and a hospital; and a fulling mill in which he fulls woolen blankets for said college and hospital. ... Therefore I command ... that he should not leave nor remove it, and that he should hold and possess it as his own property ... acquired by just and direct title. 10

9. Ibid., 81.

10. Puga, Cedulaario, II, 94.

Almost innumerable were the decrees and ordinances intended to regulate labor conditions in the wool mills and to correct abuses of the natives at the hands of Spaniards. Under no circumstances could the Indians be detained against their own will or imprisoned in the wool mills.¹¹

Owners of wool mills could bargain and make contracts with the Indian laborers. All such contracts were entered into before a justice or other qualified person; they were made according to a fixed form, and put down in writing. Each contract provided, among other things, that the Indians were not responsible for any damages or loss incurred while at their work. The wool manufacturers "shall lose it, and the Indian shall remain free from paying it ... and he cannot be compelled to pay it by any justice"¹²

The Indians were usually easy dupes with regard to money. If the Spaniards did not cheat them out of their earnings, the natives usually squandered their money and were constantly in debt. There were times when the Indians collected their wages far in advance, but despite this fact, remained in debt. Finally the crown limited the payment of wages in advance:

I ordain and command that no Indian laborer, of

11. Beleña, I, 76, cap. 1.

12. Ibid., 77, cap. 3.

whatever quality he may be, shall receive in advance, nor shall a Spanish wool manufacturer give him, nor shall a judge consent to, more than the quantity which four months of service amount to, conforming to the salary which he should earn, according to his office and occupation 13

Some Spanish owners of wool mills adopted the evil practice of proselyting another's Indian laborers by offering them bribes. The ordinance intended to correct this evil provided

that in no way shall the wool worker give money, nor entice another's Indians ... with the declaration that the Indian, having served whom he owes, should not wish to continue in his duty, and to return free to his house, he can do it, not entering to serve another wool worker 14

13. Ibid., 77-78, cap. 4. This was a third of the Indian's annual salary. The law provided that it could be advanced to him to pay for necessities such as tribute and food. Accurate accounts of all wages paid in advance were kept by the owner of the wool mill. In case an Indian desired to return some wages advanced to him, he could do so. These items were carefully noted down on the account books. See pp. 78-79, cap. 7. Cf. p. 83, cap. 16. This privilege did not extend to Indians condemned for crime. See pp. 80-81, cap. 10. An Indian who was in debt to another Indian could not receive pay in advance (p. 88, cap. 28). By an ordinance of November 30, 1579, money could be paid four months in advance only to a few Indians who were compelled to work in certain mills; those who had freedom of exit and entrance to the mills could collect in advance 2 pesos monthly, and the total yearly advance could not exceed 24 pesos. See p. 90. Accounts in great detail were kept permanently and unbroken from the founding of each new mill until it went out of existence. Items noted were wages, time of service of the Indians with dates, amount each Indian wasted, and materials given him. See ibid., 82-83, cap. 15. Accounts were also kept of crimes committed by Indians and majordomos, and the superintendents of the wool mills were responsible for them. See p. 89, cap. 30.

14. Ibid., 78, cap. 6.

Spanish overseers in the wool mills grasped every opportunity to defraud the Indian workers. A common practice among those greedy masters was to charge the Indians exorbitant rates for any waste or leakage of woolens which frequently occurred during the manufacturing process. In order to correct this abuse the law provided that the cloth should be weighted before being cut off; and if it were not weighed, the Indians were not compelled to pay for any shrinkage, or waste. If any waste or loss were found when the cloth was weighed, the Indian could not be assessed for such loss without the intervention and presence of a justice. It was the duty of the justice to verify the waste and charge it to the Indian's account; the Indian was not compelled to pay any amount over and above the sum fixed by the justice. And if any wool manufacturer should charge an Indian damages on his own authority, he was condemned irrevocably to a quadruple penalty, applied in third parts to the chamber of His Majesty, to the justice who conducted the case, and to the person who brought suit.¹⁵

Many Spaniards took the attitude that, as soon as the Indian workers were bound to them by contract, they could treat them in any way they wished. In many cases

15. Ibid., I, 79, cap. 8.

their wickedness was unbounded; they vexed and molested the natives, and forced them to work too long during the day, at night, and on holidays. All these abuses were contrary to the ordinances. The law provided further that all Indian workers who suffered violence or unjust treatment at the hands of the Spaniards were to be set free from service. They were at liberty to seek employment with another wool manufacturer if they so desired.

16

It was a common practice among the Spaniards to mistreat the Indian wool workers, and then to blame some other person for their own unjust acts. This offense was rigidly regulated by the following ordinance:

I ordain and command that, from henceforth, the wool manufacturer in whose mill shall be found an Indian imprisoned on his own authority, or wickedly handled, badly treated, or compelled in any manner - (even if the wool manufacturer should say that he had not seen him, or that his servant, majordomo, slave, or other person, put the Indian in prison), he shall be condemned to perpetual privation of being a wool manufacturer, and to 1000 pesos de oro común. And if he were a nobleman, ... he shall serve in a fortress for the time of six years; if he were a man of the plain (hombre llano), he shall be publicly disgraced and exiled for six years 17

Indians who worked in the manufacturing of woollen cloth and clothing could not be sentenced by an ecclesiastical judge, either because of debt or for crimes. Only the lay justices had jurisdiction over such

16. Ibid., 79-80, cap. 9.

17. Ibid., 82, cap. 13.

18

cases.

The wool manufacturers, or their majordomos, could not compel the native workers to work at the hardest tasks in the wool mills without paying them accordingly. Weaving and the manufacturing of flannels and certain kinds of fabrics were more tedious and required greater skill than did certain other duties in the mills. "And if they should increase the length of the cloth some varas, they shall be paid for it ..."¹⁹ The wool manufacturers were required to provide hoisting machines, mauls, small carts, and all other equipment necessary to facilitate the production of the woollen cloth. Negligence on their part to provide any of these essentials incurred a penalty of twenty pesos de oro común.

Hours of work at certain tasks were also regulated. There was division of labor and specialization along certain lines:

I command that Indian nappers shall work until a half hour before sunset, not having finished their tasks before; and after that, from said time the wool manufacturers, or the majordomos, shall not occupy them in cleaning the thick fleeces of wool, nor in other duties or work, under penalty of thirty pesos for each offense, applied in third parts. 20

Whenever an Indian laborer was hired, both he and his employer were required to live up to the terms of

18. Ibid., 83, cap. 17.

19. Ibid., 85, cap. 20.

20. Ibid., 85, cap. 21.

their contract. The Indian could not be compelled to work for any person other than his employer. He was to receive the same wages that he had earned in his previous occupation, and no additional services could be demanded of him. The penalty for infraction of this regulation was twenty pesos.²¹

Married Indians were not permitted to work in the wool mills unless they were accompanied by, and worked along with, their helpmeets. "Because there have been in the wool mills women without husbands, and husbands without wives, many offenses against God have been committed."²² In order to correct this evil, the law provided that no wool manufacturer, nor his majordomo, was permitted to have in his wool mill for more than six days a married Indian without his wife, nor a wife without her husband, under penalty of suspension from their offices for a year. The same penalty was meted out to the wool manufacturer who tolerated a bachelor in his mill for one day.

According to the law, no Indian could be transferred from one wool mill to another without a license from the viceroy. This law was effective even in cases where Indians were bought or sold for crime. A severe penalty and a heavy fine were exacted when this law was

21. Ibid., 85, cap. 22.

22. Ibid., 86, cap. 24.

broken:

banishment from this government for ten years, and 100 pesos de oro común, for the first offense; for the second offense the penalty shall be doubled; and for the third offense, the fine shall be trebled and the offender exiled perpetually from this New Spain. 23

The justice in the town where each wool mill was located was required to keep an alphabetical list of all employees in the wool mills. This list included the names of permanent employees as well as those of persons who intended to work only temporarily. Indians hired permanently worked under contract, but transients, who worked for a short time, were not bound by any instrument. All accounts were closed every four months. The justice kept account also of all Indians who were apprenticed in the wool mills; the names of these understudies were noted down in his records, along with the agreement they had made, and how well they had served. No superintendent, nor majordomo, could hold an Indian in his mill for more than two days without making these records of him; this information had to be recorded even if the Indian were held for trespass, or for any other reason. Infraction of these regulations by the superintendent incurred a penalty of ²⁴ thirty pesos for each Indian not properly recorded.

23. Ibid., 86-87, cap. 26.

24. Ibid., 87-88, cap. 27. The superintendent paid 2 reales to the justice for each entry made on the account book. The justice and scribe shared this income equally.

We have already observed that wool was manufactured in numerous mills founded in many towns in New Spain. Some work on woolens was also done in the homes of the natives. We have noted several of the regulations intended to promote the welfare of the natives while at their work. Some attention should be given to other regulations with regard to the actual production of the woolen cloth, and the measures taken to insure²⁵ the production of goods of high quality.

Innumerable ordinances in minutest detail were passed to regulate the manufacturing of the cloth. The length, width, texture, and weight of strips of woolen

25. It is thought unnecessary to dwell in detail here on the techniques of wool manufacturing. Methods and processes of manufacturing wool are described by the following authorities:

Burnley, The History of Wool and Wool combing, 82, et passim.

William R. Bagnall, The Textile Industries of the United States, Cambridge, 1893. The first seven chapters of this work describe techniques in wool manufacturing in the English colonies in America.

Ephraim Lipson, The History of the Woolen and Worsted Industries, London, 1921. Chapters IV and V deal with processes, inventions, and the use of machinery.

Roberts Beaumont, Woolen and Worsted Cloth Manufacture, London, 1890, p. 11, et passim.

F. W. Taussig, The Tariff History of the United States, New York and London, 1901, pp. 37-45.

Bulletin of the National Association of Wool Manufacturers, XXV, 40-63. On pages 64-81 in this volume is to be found an American textile glossary. See also Volume XXIV, 329-350.

The technical equipment of colonial wool workers is described by Arthur H. Cole, The American Wool Manufacture, 2 vols., Cambridge, 1926, I, 7-13.

cloth were fixed by law; every effort was made to preserve uniformity of quality. The wool was cleaned, carded, and then made into cloth by the weavers. The thickness and weight of the cloth were determined by the fuller. The finishing processes were done by the burlers and nap raisers.

Wool manufacturers were required by law to employ expert workmen. The wool was washed first in hot water, and then in cold. Plucked wool and lambs' fleeces could not be used except in the manufacturing of certain kinds of cloth. Carders and beaters, as well as other workmen, had to be competent. They were closely supervised in their work and had to do as they were told by their supervisors. Spinners of serge were required to spin well and evenly; the goods were weighed each time the spinners received them and after they returned them, and any excess amounts were made in- to remnants.

The weavers performed very important tasks in the production of the woolen cloth. They were required to know all the ordinances and regulations regarding the

26. Regulations which specified the duties of these workers are to be found in Teatro de la legislación, XXI, 204, et passim.

27. Recop., lib. vii, tit. xiii, ley 1.

28. Ibid., ley 3.

29. Ibid., ley 4.

30. Teatro de la legislación, XXI, 205.

31. Ibid., 206.

manufacturing of woolens. They were to mark or stamp all the goods with the seal of the city or village where they were produced.³² This brand was not stamped on the materials until they were finished, but in the interim while they were being dressed a temporary mark was put on them for purposes of identification.³³ Immediate control of these brands was in the hands of the cabildo.³⁴ All brands or marks to be stamped on woolens were guarded in the city archives.

The dyers played an important part in the production of woolens. Their duty was to dye the wool with diverse colors. There were times when they used faded or false colors, but ordinarily good dyes were used; colors were fast. Wool was dyed the following colors: yellow, green, tawny, purple, dark green, light, and red.³⁵ They could change in one caldron five strips of woolens and six worsteds, and no more.³⁶ They were required to dye the wool well. After the dyes were thoroughly dried in the fabric the dyers washed the cloth and it was then ready for the shearers. No dyes

32. Ibid., 210.

33. Ibid., 224.

34. Actas de Cabildo, X, 89.

35. Bustamente, Historia general de las cosas de Nueva España, III, 52. Colors were fast, but not so fast as those of Spain. See Haring, Trade and Navigation between Spain and the Indies, 127.

36. Teatro de la legislación, XXI, 231. These ordinances regulate minutely the different colors to be used in dyeing the woolens.

were to be adulterated and "dye sellers must sell without fraud, not mixing them, and they must conform to our sample, under penalty of this law."³⁷

The cloth shearers besides cutting the cloth also did the nap raising. They were not permitted to have nap raisers with large teeth, because of the danger of damaging the cloth. They were careful at all times not to get grease on the cloth, nor to tie any knots in it.³⁸ A shearer could not engage in any other kind of work in the wool mills. Anyone desiring to become a shearer was compelled to serve two years as an apprentice, and each one was examined before beginning his work. No shearer was permitted to cut woolens for making clothing without first wetting them to take up shrinkage,³⁹ under heavy penalties.

Perhaps the most important personage in the production of woolen cloth and clothing was the veedor. He was a kind of general inspector of the whole process of manufacturing woolen cloth; he carefully examined all materials - the woolens, and the machinery with which they were made, and he kept a check on the quality of work done by the workmen. The veedor was empowered to punish any workman who was doing poor work.⁴⁰ He was

37. Ibid., 222.

38. Ibid., 215.

39. Ibid., 221.

40. Teatro de la legislación, XXI, 220.

in charge of the seals which were held by the town council and he oversaw the marking and branding of all woolens.⁴¹ These seals were made by the council. The veedor examined the cloth carefully before marking it, in order to make sure it conformed to the ordinances. He was to "see, determine and execute the penalties in these ordinances up to 1000 maravedís"⁴² At regular intervals the veedores were to visit other officials who were in any way connected with the manufacturing of woolens, and make a report to them.⁴³ They had the power to issue licenses to any person who desired to sell wool, either washed or dirty.⁴⁴ The weavers were to be careful to inspect the spinning of each woolen, and if it were not strong, they could not weave it without showing it to the veedor.⁴⁵

There were usually two veedores in each town where wool mills were located, "by whose recognition the pieces of woolen fabric ought to pass in order to ascertain if it is according to art and good regulation"⁴⁶ The veedores were chosen each year by

41. Ibid., 217. "Los veedores lleven del sello que echaren quatro maravedís del dueño del paño." See p. 233. Woolens could not be sold without two brands - that of the manufacturer which showed what kind of fabric it was and its quality, and that of the veedor which indicated that it was approved. See Vol. XIV, 74.

42. Ibid., 217.

43. Ibid., 224.

44. Ibid., 206.

45. Ibid., 210.

46. Teatro de la legislación, XIV, 74.

members of the town council; as a rule, the council members deputed two persons from their own body to serve as veedores for a year.⁴⁷ Before beginning their year of service the veedores took a solemn oath to perform faithfully their duties.⁴⁸ Neglect of duty, incompetence, or inefficiency on their part incurred a penalty of 10,000 maravedís and deprivation of their office. No person was allowed to disrespect or mistreat the veedores in any way.

Many ordinances were passed to insure the production of high quality woolens and to discourage fraud or adulteration of any kind. All samples of woolens had to be true and could not be refined more than the pieces from which they were cut.⁴⁹ Woolens made by apprentices, or other inexperienced workmen, were to be carefully examined by the masters before being put on the market, under penalty of 10,000 maravedís. All raw wool was to be carefully washed and cleaned before being made into cloth.⁵⁰ Wool could not be carded without first wetting it well, and the carders were compelled by law to get new combs each year.⁵¹ No fuller, or other workman, was permitted to throw chalk into the

47. Teatro de la legislación, XXI, 217.

48. Ibid., 226.

49. Ibid., 226.

50. Teatro de la legislación, XIX, 30.

51. Teatro de la legislación, XXI, 210.

woolens in their preparation, unless the chalk were
ground thoroughly first.⁵² To prevent adulteration
of the woolen cloth they could "not throw into the
woolens ... the feet, nor trams, nor lambs' wool, nor
hides, nor burs, under penalty of the former laws, and
the veedores ... shall see and denounce it."⁵³ No mer-
chant nor manufacturer of wool was permitted to darn any
woolens and then put them on the market as faultless
goods.⁵⁴ All workers of woolen goods who did any
damage in their work were compelled by law to pay such
damages.⁵⁵

Meticulous care was to be taken in the manufactur-
ing of woolen clothing. All persons engaged in the
making of clothing were to be conscientious in their
work. Yarn was to be rolled on cylindrical pipes or in
balls to facilitate its use in making the clothing.⁵⁶
Before the cloth was dyed, the law required that it be
carefully examined⁵⁷ and branded, each manufacturer
having his own brand. Workers, or other persons were
not permitted to discolor or deface the cloth in any
way.⁵⁸ They were to pay for any damage they did in

52. Ibid., 211.

53. Ibid., 228.

54. Ibid., 226.

55. Teatro de la legislación, X, 123.

56. Teatro de la legislación, XXI, 222.

57. Ibid., 221.

58. Ibid., 222.

the making of clothing. Regulations pertaining to the manufacturing were very numerous and minutely detailed.

Clothing was also to be made in style: "Bonnets shall be of good wool and in the style in which they are made. Buttons and caps which are worn outside of these kingdoms shall be of the same style as those made in these kingdoms."⁵⁹ Hatmakers, and others specializing in making certain kinds of clothing, were required to do their duty neatly, and to make articles of apparel in style.

We have already observed that woolens and woollen clothing were often produced in the home. All flock masters were required by law to give an account under oath of their wool, if they had sold it, or made it into woolens themselves.⁶⁰ It is important to remember that the officials could not interfere in any way with woolens produced in homes, which were worn by members of the household.⁶¹ Woollen clothing was frequently made by members of the family, from wool obtained from sheep on their own estancia.

Particular attention was paid to the stamping of all woolens. On March 9, 1540, the cabildo of Mexico

59. Ibid., 215. According to this regulation, styles were to be the same in all parts of the empire, including New Spain.

60. Teatro de la legislación, XIX, 30.

61. Teatro de la legislación, XXI, 233.

City provided that "for the wool mill of this city a stamp should be made, as it was the custom to stamp all the woolens of this city."⁶² Woolens could not be

sold without first being stamped. All merchants and persons in Mexico City and in the environs, who sold woolen clothing and sack cloth were to see that it was finished and marked as was required by the city in order "that the laws and edicts of His Majesty be carried out"⁶³ The cabildo specified what marks

were to be put on different kinds of woolens:

... They ordained that the woolens of this city, straw beds, and sack cloth should be marked with an "X," and another mark at the top which says "Mexico," because it is by that that it is seen that it was made in this city and in this land; and likewise they ordained that the coat of arms of this city be stamped on another part⁶⁴

It was the duty of the veedor to see that all these brands were properly stamped on the woolens.

The inspection of woolens was no mean task and the cabildo made every effort to secure competent persons for this important work. In many instances they selected as veedores men who had already had considerable experience in the manufacturing of woolens. After being appointed by the cabildo, they took an oath faithfully to perform their duties before they received the brands

62. Actas de Cabildo, IV, 192.

63. Actas de Cabildo, V, 65.

64. Actas de Cabildo, IV, 326.

for stamping the woolens.

All matters pertaining to the wool mills and the production of woollen cloth and clothing were in the hands of the cabildo and the city lawyers. The procurador mayor was an important personality in the expedition of these business affairs. The minutes for June 23, 1589, of the cabildo of Mexico City read:

Today the city ordered that the procurador mayor should bring to the lawyers of this city the two decrees of His Excellency which deal with wool mills, in order that they might see that what is necessary should be done; and a bill shall be posted on the first day in order that the caballeros regidores may meet and, with the lawyers, do what seems best in the first cabildo. 66

Frequently there were complaints concerning the wool mills and the materials produced in them; many persons lamented the fact that the woolens were of inferior quality, and that the work and products did not conform to what was demanded in the ordinances and premises. As a result, the public was defrauded and received great injury. In order to correct these abuses the cabildo of

65. Actas de Cabildo, VI, 152. In the cabildo meeting of October 29, 1554, Juan Garcia de la Madalena and Juan de Leon were chosen to the office of veedores. They had previously had experience as cloth shearers. In Peru also the cabildos were empowered to select the inspectors of woolens and wool mills. They attempted always to choose competent persons for this post. See Libros de Cabildos de Lima, VI, part 2, p. 149; see also part I, p. 396. Cf. Vol. V, 308-309. In Quito a corregidor was appointed by the cabildo to oversee and examine the wool mills and their products. See Cabildos de Quito, VIII, 215.

66. Actas de Cabildo, IX, 335.

Mexico City provided that the town council be given information concerning all persons who had worked in the wool mills of the city, and

that it be done according to the laws and decrees of His Majesty, and no one shall pretend ignorance of it in this city and country; whoever shall make a wool mill in any part of this New Spain whatsoever shall do so according to law ... and this shall be proclaimed publicly in order that all may know 67

Besides the inspectors of the wool mills and woolen cloth, other inspectors were chosen by the cabildo to examine woolen clothing and clothiers. These inspectors of clothiers were selected annually and were required to perform their duties faithfully. In general they were to see that no woolen clothing was put on the market which would be an injury to the public. 68

The cabildo was empowered to grant commissions to wool sellers. Any person who desired to buy and sell wool, or to deal in it as an occupation had to secure a commission from the cabildo. In case a wool dealer could not supply the demand, the procurador mayor was ordered by the cabildo to do whatever was necessary to make up the deficiency. 69

During the closing decades of the sixteenth century rapid strides were made in the manufacturing of woolens. The viceroys and other high officials were

67. Actas de Cabildo, VI, 221.

68. Actas de Cabildo, IX, 266. Cf. Vol. X, 92.

69. Actas de Cabildo, VIII, 566.

interested in promoting this profitable industry. In 1590 Viceroy Luis de Velasco the younger took an active interest in furthering the manufacture of woolen goods, and established a factory at Tezcuco.⁷⁰ Many persons were given employment in these wool mills and the industry flourished so rapidly that there was overproduction of woolens.

Measures were taken by the government on April 6, 1594, to solve this problem of overproduction in the wool mills. A "ten year plan" was adopted whereby certain wool mills were to be closed, and only those which were necessary to supply the demand were to remain open. At the end of the ten-year period the other mills were to be reopened and put into operation. "Having closed up the superfluous mills, those which should remain would serve His Majesty with said quantity, and more."⁷¹

This plan, however, did not work as well as was expected. The few mills that were allowed to remain open formed a monopoly and raised the prices of the woolen products. Prices became so exorbitant that many people could not afford woolen clothing. The superintendents of the wool mills discriminated against persons seeking employment, hiring only a select few. The

70. Bancroft, History of Mexico, III, 616, note 51. Cf. Riva Palacio, México a través de los siglos, II, 449.

71. Cuevas, Documentos para la historia de México en el siglo XVI, 482.

monopoly was declared "unjust" for the following reasons:

first, by being on a product necessary to the public; secondly, because freedom to the residents to sustain themselves in an honest art with their industry and labor is taken away; thirdly, because if a limitation is not put on the prices, a monopoly is dangerous; finally, it is against the common good, and ought not to be managed by particular interest. ⁷²

That the manufacturing of woolens compared favorably with that of any other textiles in New Spain is substantiated by Henry Hawks, an Englishman, who lived five years in New Spain. In 1572, he said that the country manufactured not only all sorts of silks ⁷³ - taffetas, satins, and velvets - as good in quality as those of Spain, but it was well supplied with wool, and produced cloth in quantities sufficient to clothe all ⁷⁴ the common people and export to Peru.

Some attention should be given to the production of woolens in Peru to see how the industry in that vice-royalty compared to wool production in New Spain. The cloth industry was officially recognized in Peru by a

72. Ibid., 483-484.

73. Icazbalceta, in Bibliografía Mexicana del siglo XVI, 192, gives an account of the silk industry in New Spain.

74. Haring, Trade and Navigation between Spain and the Indies, 127. Woolens were also exported to Spain. The products of Castile for export were: wine, brocade, finished woolens, linens, and food stuffs. Products exported from New Spain were: silk, meat, wool tallow, sugar, cacao, lard, cotton, copper, lead, and woolen blankets and clothing. See Icazbalceta, Bibliografía Mexicana del siglo XVI, 192.

decree of September, 1565, which provided that "en la fabrica de los paños se guarden en las Indias las leyes y pragmáticas de estos reinos de Castilla."⁷⁵ Spanish policy toward colonial industry was one of blind opportunism, if indeed there were any characteristic "policy" at all. Sometimes the Spanish government put obstacles in the way of American industry to favor the metropolis. Measures were variable and arbitrary, depending on the needs of the home government, and without regard to the welfare of industry in the colonies. The Cortes of 1548 exposed the need for supplies from America, and woolen manufacturing began to flourish both in Peru and in New Spain. Among the first wool mills to be established in Peru were those of Laxapallanca and San Miguel de Chimbo, founded by Ines Muñoz, brother-in-law of Francisco Pizarro. The Franciscans taught the Quito Indians to weave woolens. In 1559, Francisco Segovia went to Peru with nine wool officials (weavers, shearers, carders, and dyers).⁷⁶

Until 1569 the Spanish government did not interfere with the wool industry in Peru. At that time manufacturing in the peninsula was in a decadent state, and petitions for assistance were presented by the deputies

75. Recop., lib. iv, tit. xxvi, ley 111.

76. Ballesteros y Berreta, IV, segunda parte, 636-637.

in the Cortes. Thereupon, Philip II changed his policy of protecting American industries. In 1569 he gave secret instructions to Viceroy Don Francisco de Toledo to prohibit the manufacturing of woolens in Peru. On his arrival in Peru, the viceroy found the demand of the country for such goods far greater than the supply from Spain, since no fleet had arrived from Europe for three years; and he disregarded his orders. He found such a considerable number of wool mills and fulling mills that he esteemed it contrary to the best interests of the colony and of the crown to damage the industries legitimately created in the viceroyalty. The land produced prime materials, had understanding masters, and was well disposed toward the Indians; justice was, then, on the side of the American industries. Viceroy Toledo was the author of the Ordenanzas de obrages o batanes, issued in the city of Lima, in 1577. This was a code of ordinances to stop the exploitation of Indian workmen. This action would have affected only the production of finer clothes; it did not apply to establishments run by Indian caciques in the native pueblos. These laws were not enforced, and the Spaniards remained free to manufacture clothes in any quantity and quality they desired, and the number of wool mills kept increasing.

77. Ibid., 637. Cf. Haring, Trade and Navigation

These prohibitions against the expansion of the manufacturing of woolens in Peru were renewed in the instructions to Viceroy Luis de Velasco, in 1595, in a milder form. Existing factories were to be allowed to operate, though they were erected in defiance of previous orders. No new ones, however, could be built, or old ones enlarged or repaired, without first consulting the crown. Nevertheless, the industry was so vital to the welfare of the colonists, that still the viceroy dared not interfere.⁷⁸ The number of wool mills in Peru continued to increase until the middle of the seventeenth century.

The manufacturing of woolens was carried on in Peru even on a more extensive scale than in New Spain. For the most part the home government encouraged colonial industrial enterprise. Sensitive to competition, however, no industries were tolerated in the colonies that were in any way detrimental to Spanish interests.

between Spain and the Indies, 127-128. Comments on the abuses of Indians who labored in the wool mills are made by Bourne in Spain in America, 300, note 3.

78. Haring, Trade and Navigation between Spain and the Indies, 128.

CHAPTER VII. WEIGHTS AND WEIGHT INSPECTION

Weights and measures used in New Spain and in other parts of the Spanish Empire were based upon standards set by the home government.¹ Spanish metrology had long been characterized by heterogeneity and incongruity. Lack of uniformity of weights and measures was one of the most perplexing problems of the Spanish monarchs during the medieval, and well into the modern period.

The first of a long series of futile attempts to unify weights and measures was made by Alfonso X, on March 7, 1261. He declared the cahiz of Toledo to be the standard for arid measures, the moyo of Valladolid for liquids, the 10-pound arrelde of Burgos for meat, and the vara, or yard, for linear measure. The second attempt at unification was made by Alfonso XI, in 1348; he declared that "in the kingdoms of our domain there are local weights and measures by which buyers and sellers receive great injury."² Little came of his ef-

1. This is no pretension of exhaustive treatment of Spanish metrology. The Spanish background on weights and measures has been satisfactorily treated by Hamilton, in American Treasure and the Price Revolution in Spain, Chapter VII. The present chapter is a discussion, in the main, of those weights and measures used in the wool industry; it is intended as a background to the following chapter on "The Slaughter and Sale of Mutton."

2. Hamilton, American Treasure and the Price Revolution in Spain, 153.

ports for only the arrelde remained constant.

Impediments to commerce due to metrological chaos incited the Cortes of 1435 to petition John II to unify weights and measures throughout Castile, and sweeping reforms were undertaken.³ Honest efforts were made to enforce the statute of 1435, and practice was immediately influenced. The Cortes was very fickle, however, and the members rescinded the legislation they had passed. In 1436 the Cortes opposed unification of weights and measures on the grounds that national laws should not be contrary to local customs, and urged the Crown to⁴ revert to the units of weight established in 1348. The Cortes took a defeatist attitude that the statute of 1435 had produced excessive uniformity to the detriment of local units, and by 1438 the belief was prevalent that local custom and disobedience to the act had virtually nullified the law, and "that in many places the weights and measures that prevailed formerly are⁵ used."

Ferdinand and Isabella were the first to make serious efforts to unify weights and measures. On April 12, 1488, they created the office of marcador

3. Ibid., 154.

4. Ibid., 155.

5. Ibid., 156. Prior to 1435 the central government had relied upon each municipality to procure, without compulsion, the national standards.

mayor (chief of standards) on whom was placed the responsibility for the construction, custody, and dissemination of a true standard of weight, he was directed to prepare weights for gold and silver and to take or send these standards to the mints and cabezas de partidos. These standards for precious metals were to be used in the weighing of all commodities. Severe penalties were meted out for the use of unauthorized weights and measures.⁶

Metrological reforms were neglected by Charles V and Philip II largely because of the burden of empire and the cares of state. In 1563 Philip II confirmed the law of 1438, but the confirmation of the injunction to use the Avila fanega and the Toledo cantara proved as ineffective as the original enactment. On June 24th, 1568, the Castilian yard came into general use,⁷ and from that time until the adoption of the metric system in 1849, no changes occurred in metrological standards.⁸

Standards of weight and measure in New Spain and

6. Ibid., 157. The first two marcados mayores were Pedro Vegil de Quiñones and Diego de Ayala. See p. 161.

7. Ibid., 158. Charles V, complying with a petition of the Cortes in 1534, ordered the corregidores to allow his subjects a reasonable interval in which to present their weights and measures for inspection. See p. 161, note 1.

8. Ibid., 159.

other Spanish colonies corresponded mainly to those of Castile.⁹ The cuarta and the ounce were limited almost exclusively to spices. Over eighty percent of the articles were sold by the pound. By an order of Charles V, in 1527 wool and all other bulky goods were to be sold by the arroba¹⁰ rather than the pound.¹¹ The arrelde was used only for meat; it rarely occurred in Andalusia and practically disappeared in Old and New Castile by 1550.¹² It was commonly used in the slaughterhouses and meat markets in New Spain throughout the sixteenth century.

The arrelde was not used as the unit of weight for meat in all parts of the parent country. In Seville the carnicería pound was invariably used in the weighing of meat, fish, lard, and butter, despite legislation spe-

9. Ibid., 175. Table of weights used in Castile:

4 cuartas = 1 ounce
 16 ounces = 1 pound
 32 ounces = 1 carnicería pound
 4 pounds = 1 arrelde
 25 pounds = 1 arroba
 4 arrobas = 1 quintal

10. Ibid., 176, note 2. Various estimates have been given to the weight of an arroba, depending, doubtless, on the kind of goods weighed, and on the place and time elements. Aiton, on p. 91, note 23, estimates the arroba at 50 pounds; Haring, in Trade and Navigation, p. 91, evaluates the arroba at 28 pounds. Hamilton, on p. 182, puts the Valencian arroba at 30 pounds; on p. 183, he gives another Valencian arroba as 36 pounds.

11. Wool is sold in the United States now by the pound.

12. Hamilton, American Treasure and the Price Revolution in Spain, 176.

cifically requiring the 16 ounces per pound for sales of these staples; the *carnicería* pound was not used in New Castile or Old Castile - Leon. Unlike butter and lard, tallow and cheese were sold by the pound of 16 ounces. In Valencia the pound and arroba for cod fish, tuna fish, and certain meats varied somewhat from weights of similar staples in Seville; the Valencian pound of cod and tuna fishes contained 18 ounces and the arroba 36 of these pounds.¹³ The pound *carnicería* of¹⁴ 36 ounces weighed mutton and salt pork.

Chronic diversity of weights and measures followed Castilians and other Spaniards to the New World. On September 28, 1512, Ferdinand the Catholic extended the authority of Diego de Ayala, one of the two Castilian *marcadores mayores*,¹⁵ to the Indies.¹⁶ Weights and measures varied widely among different districts in Spain, as well as in New Spain and the other Spanish colonies. Resistance to metrological reform, however, was conducive to uniformity in a given locality. Sharp separation of regions and discrepancies in local standards rendered general uniformity of weights and measures

13. This, however, was variable. Some convents counted 24 pounds of 18 ounces an arroba of large fishes. See p. 184, note 1.

14. *Ibid.*, 184.

15. See above, note 6, this chapter.

16. Hamilton, American Treasure and the Price Revolution in Spain, 165, note 3.

nigh to impossible.

From the evidence available it is reasonable to assume that Castilian standards were generally adopted in New Spain. Since there were so many variations in weights and measures in the parent country, one could hardly expect uniformity and precision of weights in the new lands. When the government got under way in New Spain the Castilian arrelde became the unit of weight of mutton, beef, and fish; wool and tallow were commonly sold by the arroba.

Cortés, in describing life among the natives which he found in New Spain, wrote:

Every kind of merchandise is sold in a particular street or quarter assigned to it exclusively, and thus the best order is preserved. They sell everything by number or measure; at least so far we have not observed them to sell anything by weight. There is a building in the great square that is used as an audience house, where ten or twelve persons, who are magistrates, sit and decide all controversies that arise in the market, and order delinquents to be punished. 17

Such were the methods of exchange and the means of settling disputes among the natives at the time of the Conquest.

Immediately after the Conquest permanent settlers began to come to the new colony, and not long afterward colonial government and administration were conceived and established. And one of the most perplexing prob-

114. 17. Folsom, The Despatches of Hernando Cortés,

lems of the new government was the regulation of weights and measures. The minutes of the cabildo of Mexico City are replete with acts, ordinances, and regulations pertaining to weights and measures; the cabildo spent a great part of its time in the expedition of matters concerning the slaughter and sale of meat. The greed and dishonesty of Spaniards in their dealings with each other, and with the natives, knew no bounds. Fraud and deceit were so common in the slaughterhouses and meat markets that a corps of inspectors and deputies maintained constant vigilance to make sure that the public was not defrauded.

As in the parent country, so in the new land there was sad lack of uniformity in metrological standards. Meat sold in the meat markets and slaughterhouses was at first weighed by steelyards of many different kinds and standards. Customers complained endlessly because of the short weight and loss they received when their purchases were weighed on these steelyards. In order to have greater uniformity in weights, the cabildo of Mexico City, on August 16, 1538, provided that weights be uniform and that they

be made at the cost of this city, with which to weigh meat for the consumer. They also ordered Alonzo de Abila, majordomo of this city, to see that he could weigh a quarter of a beef, sheep, or hog, in conformity with these weights. 18

Frauds were commonly committed by the meat cutters who cut and weighed meat in the slaughterhouses. Frequently they kept cuts of meat for themselves, which did not belong to them; and they committed notorious frauds in the weights which they made. In order to remedy this evil and to see that the public got justice, the cabildo forbade any meat cutter to take meat "even if the breeder should give it to him," except what may be due him as part of his salary. The punishment for infraction of this regulation was a hundred lashes of the whip.

¹⁹ The cabildo appointed two men to execute these ordinances concerning the weighing of meat, who served for one year. ²⁰ Ten years later, on September 28, 1551, the penalties for false weights in meats were graduated and based on the offender's social status. The cabildo minutes read:

The regidores discussed the disorders in the weighing of meat, the false weights which are made by the meat cutters, and consequent damage and loss to the public. ... They ordained that all persons whatsoever, cutters and weighers of meat in the meat markets of this city, who should give false weight in meat, if he were a Spaniard, he should have as a penalty for the first offense 20 pesos de oro común ... and for the second offense let him be given 100 lashes publicly and formally. If he were a negro let him be given 100 lashes for the first offense; and for the second offense let him be given said 100 lashes, let his ears be cut, and let him be deprived of his position as meat cutter

19. Ibid., 235-236.

20. Ibid., 250. They were Bernardino Báñez de Tapia and Gonzalo Ruyz. This was in 1541.

21

and weigher.

It is well to consider the distinction between the slaughterhouse (rastro) and the meat market (carnicería). The slaughtering of animals took place in the slaughterhouses, which were usually located on different sites from the meat markets. Meat was sold on a wholesale basis from the slaughterhouses to proprietors of the markets; it was then retailed from these local markets. Meat was sold from the slaughterhouses by contractors who specialized in their work: there was a contractor for mutton; another took contracts for beef, and another for pork. Weights were frequently dishonest in the slaughterhouses. Customers complained to the cabildo that the mutton contractor weighed meat on the site of the slaughter house, but did not reweigh it in the local meat markets; "and by being apart sells mutton from sheep dying a natural death (mortecina); and the people complain that the required weight is not given them, and they receive great damage and loss." In order to remedy these frauds the cabildo ordered the contractor "to weigh his mutton in the meat markets (carnicerías) on four tables, in accordance with the

21. Actas de Cabildo, VI, 34. This act also provides how these fines were disposed of. They were to be divided "half to the chamber and fiscal of His Majesty and for this city, and the other half to the denouncer and judge who should sentence him, in a manner that each should bear a fourth part"

obligations and terms of his contract, under the penalties contained therein." ²²

The cabildo of Mexico City, on September 3, 1538, passed an ordinance that all sheep which were slaughtered in the slaughterhouse should be sold by the quarter. This ordinance also provided that the weight of sheep which were sold on foot was to be estimated by the quarter. Sheep, lambs, goats, and kids, thereafter, were weighed and sold in conformity with this regulation. Any person who sold mutton otherwise was liable to a penalty of loss of the meat, half to the poor people of the hospital and jail, and the other half to the judge and the person who brought suit." ²³

As early as 1538 the government officials in Mexico City were satisfied with the metrological reforms they had made. The price of beef, mutton, and pork was 12 maravedis of good money per arrelde (4 pounds). "And because the weights have necessarily been made accurate for security, and the people receive no loss," they ordered that the weights be made at the cost of the city and instructed the majordomo "to pay for them from the public lands and rents of this city." ²⁴

During the early years the trend of meat prices

22. Ibid., 465.

23. Actas de Cabildo, IV, 144. The quarters were not weighed in pounds but in arrelde.

24. Ibid., 143.

was downward, because of the abundance of livestock. By 1541 an arrelde of beef or mutton sold for 7 maravedís of good money; an arrelde of pork cost 8 maravedís. An arroba of tallow or lard was priced at a half seal of silver. Any changes in prices were always publicly proclaimed.²⁵

Any owner who sold sheep to the proprietors of the slaughterhouse was assessed a very nominal fee to cover the cost of weighing the sheep. This money was used for the maintenance of satisfactory weights and to pay the salary of the weight inspector. These fees were collected by the mutton contractor who had charge of the payment of the inspector's salary. The cabildo ordained "that for each sheep which is weighed shall be paid a maravedí of good money"²⁶

The inspector of weights was required not only to make sure that the weights weighed accurately, but also he was to supervise the weighing of each sheep. In case any animals had to be reweighed the inspector was to be paid accordingly. If these regulations were not carried out to the letter, the cabildo ordained that said breeders, contractors, and men of the meat

25. Ibid., 228.

26. This would seem like a reasonable assessment. The value of the maravedí was variable, usually from one-sixth to one-third of a cent of our money. Its actual purchasing power is very difficult to ascertain.

market shall pay 500 pesos de oro común, half to the chamber and fiscal of His Majesty and the other half to this city; and the meat cutters shall be given 100 lashes publicly in this city. 27

Despite the numerous regulations, fraud in the meat markets continued unabated. Not only was there dishonesty in the weighing of meat, but many contractors²⁸ used an inferior kind of money (moneda de cuartos) to pay for meat which they received in the slaughterhouses. These frauds became so serious that, in 1547, the cabildo insisted that "henceforth they shall be obligated to weigh said meat with the illustrious viceroy, Mendoza, who shall regulate what should be done concerning payment for said meat in said slaughterhouse²⁹"

Members of the cabildo were insistent that beef and mutton be accurately weighed in the slaughterhouses and meat markets in order that the excise tax on meat could be properly recorded and collected. In the early days of the colony it was exceedingly difficult to find competent weight inspectors. The incomes of inspectors were not very substantial, and these underpaid officials frequently petitioned the cabildo for a raise in salary.

27. Actas de Cabildo, VI, 324. Cf. Actas de Cabildo, V, 295, for similar measures taken to compel meat cutters to be conscientious in their work.

28. This was a kind of counterfeit money with very little gold or silver content.

29. Actas de Cabildo, V, 188.

The cabildo minutes for the meeting of June 5, 1556, read:

Antonio de Rosales, who has charge in said slaughterhouses of weighing meat with steelyards, has petitioned this council (cabildo) to raise his salary in said office to what is just and reasonable. And they ordered that the salary given to said Antonio de Rosales for weighing beef and mutton with steelyards shall be 25 pesos de oro común per year; ³⁰ they ordered him to take an oath to perform his duty well. ³¹

They also prohibited the contractors and meat cutters in the slaughterhouses from weighing any meat, under penalty of 100 pesos de minas for each time they should do the contrary, applied half to the fiscal of His Majesty and this city, and the other half to the judge who conducted the case. Besides this fine the meat cutters who broke the law were given 100 lashes publicly, and their salaries were forfeited and paid to the excise tax fund.

By 1558 the cabildo officials and the general pub-

30. This was a very low salary. Monetary units of uncoined gold were:

Peso de oro

tepuzque = 271 maravedís

común = 300 maravedís

Común con tres quilates

añadidos = 360 maravedís

de ley perfecta = 450 maravedís

de minas = 450 maravedís

See table in Aiton, 114, note 99. Counting the maravedí as one third of a cent, each peso de oro común would be one dollar. In 1556, then, the weight inspector's salary was approximately \$25 per year. Cf. Haring, "Ledgers of the Royal Treasurers in Spanish America in the Sixteenth Century," Hispanic American Historical Review, II, 177. See also Quarterly Journal of Economics, XXIX, 475.

31. Actas de Cabildo, VI, 233.

lic considered the office of inspector of weights and measures one of importance. The general consensus of opinion was that a meritorious and competent man should be chosen for the office, and that his salary should be proportionate to the importance of the office. In the cabildo meeting of April 4, 1558, the regidores discussed the person who should have charge of inspection of weights of mutton and beef in the slaughterhouse. Such person should be trustworthy and should be paid a salary. Speaking of the damage and loss to the people concerning the aforesaid, they named an inspector of said weights for the present year ... in the person of Luis Martinez, a resident of this city, and set his salary at 200 pesos de oro común 32

On the same day Luis Martinez appeared in the cabildo and accepted the office of inspector of steel-yards at the above salary. His duties were plainly stated in the cabildo records:

He shall keep account of and information on all herds of cattle and sheep which are weighed in the slaughterhouse, in an account book ... he shall perform said duty of inspector justly, without fraud or prejudice to any person ... And they ordered that said justices and regidores be notified of the aforesaid, and that said contractors and cutters (be notified) in order to guard and comply with this order. 33

By 1567 the responsibility of inspecting weights in the slaughterhouses was divided and placed on two men. One was in charge of the inspection of weights of

32. Ibid., 323. That the office of weight inspector was soon considered important is shown by the fact that the salary was raised from 25 pesos de oro común in 1556 to 200 pesos de oro común in 1558.

33. Ibid., 324.

mutton; the other was inspector of weights of beef. The cabildo took particular care that neither of these offices was ever left vacant, even for a short period of time. In case a weight inspector became incapacitated because of illness, or had to be away from the city temporarily, the cabildo filled the vacancy by choosing another experienced person. On March 24, 1567, when Rodrigo Ruyz, the inspector of mutton steelyards, was "going at present outside of this city," the cabildo appointed Diego Osorio, a resident of the city who had previously been inspector of mutton steelyards, to fill the vacancy. At the same time the cabildo appointed Bartolomé Osorio, a resident of the city, as inspector of steelyards for weighing beef. "And they shall be notified before the scribe of this ayuntamiento of the books and accounts which they must keep of the meat weighed by steelyards in this city."³⁴

It is interesting to notice that the inspectors of weights were to see that all meat sold in the slaughterhouses and meat markets was correctly weighed. It was not their duty to adjust the weights nor to tamper with them in any way. A special adjustor of weights was selected each year by the cabildo. At fixed times throughout the year the adjustor examined the steelyards and

34. Actas de Cabildo, VII, 349.

weights in the meat markets and slaughterhouses and kept them properly adjusted.³⁵ The cabildo charged the inspectors of steelyards not to change any weights used in the meat shops, either by readjusting them, or by substituting new weights for old ones.³⁶

From 1558 until the close of the century the salary of weight inspectors remained fairly constant. It has already been noted that the salary of Diego Osorio was set in 1558 at 200 pesos de oro común. He served several non-consecutive years as weight inspector from that time until 1581. The payment of the inspector's salary was guaranteed by the cabildo, and the meat contractor was responsible for making the payments. The minutes of the cabildo meeting of March 2, 1581 throw light on this:

In the cabildo we ordered Francisco Gomez, contractor of meat in this city, that from the maravedis and pesos which are or were in his charge from the proceeds of the cows and sheep which have been weighed in said slaughterhouse, to pay Diego Osorio 200 pesos de oro común due him as a year's salary as inspector of steelyards in the meat market of this city for the year '81, ... and we order it to be paid and received on time. 37

Weight inspectors of less experience, however, did not receive such a high salary; they usually were paid 100 pesos de oro común annually. The cabildo guaranteed

35. Actas de Cabildo, VIII, 314.

36. Actas de Cabildo, XII, 273.

37. Actas de Cabildo, VIII, 483. Cf. p. 615.

the payment of these salaries, which were usually paid
 in third parts, three times a year.³⁸ The payment of
 all salaries had to be attested by one of the regidores.

The cabildo kept a constant check on the activity
 of the weight inspectors. Any inspector who neglected
 his duty was immediately investigated by a person design-
 ated by the cabildo. The minutes of the cabildo meet-
 ing of April 7, 1578, throw light on this:

Today the señores said that they have been informed
 that, in the meat markets of this city, weight of meat
 has not been given as was ordered because Juan de Bel-
 monte, inspector of weights, has not kept an account in
 his office which he ought to have done; they commissioned
 alcalde Bernardino de Albornoz to make information con-
 cerning what had not been done, and he was obliged to
 notify this city in order to provide what is neces-
 sary.³⁹

The cabildo was empowered to dismiss any weight in-
 spector who was found incompetent or negligent of duty.

Despite all its efforts to make sure that meat con-
 sumers received honest and accurate weights, the cabildo
 continually heard reports of much disorder and false
 weights in the meat markets of Mexico City. "And a
 remedy has been attempted many times." And in order
 that the public should receive no further damage and

38. Ibid., 476. A third of 100 pesos de oro
 común was 33 pesos, 2 tomines, and 8 granos. This sum
 was paid to the weight inspector regularly three times
 a year. For other references regulating the payment of
 salaries see, in this volume, pp. 212, 315 and 427. Also
 see Vol. VI, 436, and Vol. XII, 13.

39. Ibid., 333.

loss the cabildo provided, on May 4, 1579, that

henceforth, each week a regidor of the ayuntamiento should assist in said meat market every time meat is weighed, in order that in each weight no damage or loss should come to anyone, in accord with the ordinances of this city. 40

The regidores alternated in assisting in the inspection of weights in the meat market, "one each week in his turn ... and there shall be no negligence by anyone. And all that is necessary to the public good shall be guarded." In so doing the members of the cabildo had direct contact with the meat markets and knew first-hand what was happening in them.

In Peru there was no elaborate system of inspecting weights and measures comparable to that in New Spain. In that colony there were no inspectors of weights and measures. The cabildo of Lima, on December 14, 1548, passed an ordinance

that whatsoever person, henceforth, should weigh meat or lower the price of it is obligated to come and register it before the scribe of this cabildo, telling the quantity which he wishes to weigh, and the price he fixes on it. 41

The cabildo provided simply that the meat was to be weighed and sold among the people justly, without anyone receiving loss or injury. 42

It is difficult to say what kind of weights were

40. Ibid., 385.

41. Libros de Cabildos de Lima, IV, 13. Cf. pp. 106-107.

42. Ibid., 44.

used by the early Spaniards in Peru in the weighing of mutton. Garcilasso de la Vega wrote in 1600:

In the year 1560, when I departed from Cuzco, mutton was not as yet sold in the shambles by weight, but since, in letters from there, dated in the year 1590, they write me that a sheep was then sold in the market for 8 or 10 reals most 43

It would seem from this that sheep were purchased by the whole carcass at the meat markets, and that they were not sold by quarters, or by the pound, or arrelde.

Besides the intricate and carefully administered system of weight inspection in New Spain, other precautionary measures were taken to insure honest weights in the meat markets both of New Spain and of Peru. In Mexico City the cabildo provided for the establishment of a station of reweights to which any customer could repair if he thought he had been cheated by the inspector of weights. All reweights were to be made at a centrally located station by a public inspector of reweights. The cabildo minutes read:

The city commanded that reweights by the inspector of steelyards be passed to the slaughterhouse in the agora; that they be taken from the place where they were accustomed and brought to this agora ... and they shall not be taken to any other place. 44

The inspector of reweights was chosen by the cabildo to serve for one year. Often the señor alcalde, or some other person whom the cabildo deemed trustworthy,

43. Dept. of Agric. Special Report, 19.

44. Actas de Cabildo, XII, 271.

was elected to the post. His duties were stated plainly in the cabildo minutes; he was to see that all reweights were accurate, and "for the good of the people shall do what is necessary"⁴⁵ While the inspector of reweights was elected for a year, he virtually served at the pleasure of the council; whether he were found incompetent or not, the council could arbitrarily terminate his services at any time; the cabildo provided that "this city can dismiss him for cause, or without it."⁴⁶

The salary of the inspector of reweights was 400 pesos de oro común per year.⁴⁷ The cabildo guaranteed the payment of his salary, and the contractor of the city meat markets made the actual payments. Salaries of inspectors were paid in third parts, three times during the year. On August 2, 1583, the cabildo commanded "Tomas Juan Nieto, contractor of the city meat markets, ... to pay to Francisco de Torres, for reweighing the meat of this city, 132 pesos, 2 tomines,⁴⁸ and 4 granos of said gold"

In Peru the system of inspecting reweights was

45. Actas de Cabildo, VIII, 315.

46. Actas de Cabildo, IX, 21.

47. Ibid., 176.

48. Actas de Cabildo, VIII, 646. Cf. pp. 634, 695. Also see Vol. IX, 290. This sum paid each time was a third of 400 pesos de oro común, or the total annual salary.

similar to that in New Spain. As early as July 10, 1553, at the cabildo meeting in Lima "the justices and regimiento nominated and provided for an inspector of reweights of meats which are weighed in the meat markets of this city, in the person of Gonzalo Mendez, a resident, and of good fame and conscience."⁴⁹

He was elected annually by the cabildo, and served at a salary of 200 pesos for the year.⁵⁰ As in New Spain, so in Peru the salary of the inspector of re-weights was paid in third parts, thrice annually.⁵¹

49. Libros de Cabildos de Lima, V, 58.
 50. Ibid., 211.
 51. Ibid., 299.

CHAPTER VIII. THE SLAUGHTER AND SALE OF MUTTON

No study of the wool industry in New Spain would be complete without an analysis of the important food production side of the business. For this reason, this chapter is devoted to an examination of the mutton supply in New Spain. The manner in which mutton and other kinds of meat was furnished to the population of Mexico City will be emphasized, because abundant material is available on this subject. The duties of officials and employees who were responsible for furnishing the city meat supply will be considered. The problems of meat inspection and sanitation in the markets and slaughterhouses merit careful treatment. It is impossible to divorce facts and data concerning mutton from those on beef and pork, for in the records they are all considered together.

The Kingdom of New Spain was successfully developed by the first viceroy, Antonio de Mendoza. That there was great material prosperity in the colony during his administration is verified by Robert Tomson, an English merchant engaged in the Spanish trade. Describing a tour which he had made of New Spain, in 1555 he wrote:

As for victuals in the said Citie, of beefe, mutton, and hennes, capons, quailles, Guiny-cockes, and such like, all are very good cheape: To say, the whole quarter of an ox, as much as a slave can carry away from the Butchers, for five Tomynes, that is, five Royals of plate, which is iust two shillings and six pence, and a fat sheepe at the Butchers for three

Royals, which is 18 pence and no more. Bread is as good cheape as in Spaine, and all other kinde of fruites, as apples, peares, pomegranats and quinces, at a reasonable rate 1

All matters pertaining to the slaughter and sale of mutton and other kinds of meat were in the hands of the cabildos. The scribe of each cabildo, however, was required to make regular reports of conditions in the meat markets to the viceroy; and the cabildo could take no action contrary to the wishes and orders of the vice-
2
roy.

In the early days of Mexico City the sales of all kinds of wares took place in two great city markets, one in the Spanish section and the other in the native. All business dealing, the quality of goods, and prices, were regulated in minute detail and planned with admirable foresight. All kinds of products of the soil and sea, of the artist and manufacturer, were profusely displayed in these markets; the ostentation in these markets outrivaled that of the days of Montezuma's rule, when the natives advertised their goods in public places.
3

No person was permitted to slaughter and sell sheep or other livestock without a license. The Crown provided "in order to aid this government better, some

1. Winship, 375.

2. Actas de Cabildo, IV, 69-70.

3. Bancroft, History of Mexico, II, 142.

licenses shall be granted to breeders in order that they can kill some quantity of their herds in certain towns of the Indies" ⁴ According to the decrees and ordinances, cows or sheep could not be taken from the estancias and haciendas for slaughter or weighing in the meat markets without the license which was granted by the viceroy and royal audiencia. These two highest branches of the colonial government also had the power to revoke any licenses when the occasion required it. Often the breeders of herds, and other persons, would slaughter "useless, barren, or old animals" contrary to the ordinances. In such cases the licenses were revoked; the offender lost all animals he slaughtered, and was fined 200 pesos; he was also banished from the community where he lived, and was not allowed to come within five leagues of it for a period of two years. The justices were to see that these penalties were executed, under penalty of having themselves ⁵ charged in their residencias.

4. Cartas de Indias, publicadas por primera vez el Ministerio de Fomento, Madrid, 1877, 326. Cf. Teatro de la legislación, XXIV, 114, leyes 18, 19, 20.

5. Don Eusebio Bentura Beleña, del consejo de S. M. oydor de la misma real audiencia, Recopilación sumaria de todos los autos acordados de la real audiencia y sala del crimen de esta nueva españa, y providencias de su superior gobierno; de varias reales cédulas y ordenes que despues de publicada la recopilación de indias han podido recogerse así de las dirigidas a la misma audiencia o gobierno, como de algunas otras que por sus notables decisiones convendra no ignorar, 2 vols.,

The law provided further that the audiencia and the viceroy should not discriminate against any persons in the granting of licenses to slaughter and sell meat. "Henceforth, licenses shall not be granted to certain persons in order that they and no other persons can have meat markets, and sell meat in the towns" ⁶

These regulations which required the procuring of a license to slaughter and sell meat, like most of the other ordinances and decrees, were hard to enforce. In many towns of the Indians slaughterhouses were operated illegally and without a license. In order to correct this evil it was decreed

that the provision of this royal audiencia of July 17, 1578, ⁷ shall be complied with and guarded, with regard to prohibiting the Indians in any pueblo of this New Spain from selling sheep or cows ... without my express license, under penalty of 500 pesos de oro común, and loss of the herd which they should sell ... and its just value and price applied according to the ordinances of the Mesta. ⁸

Mexico, 1787, I, 25. (Hereinafter cited as "Beleña, Recop.")

6. Ibid., 24, decree 36. This decree also provided that the butchers were to be publicly questioned by the justices for any changes that they had made in prices. No person was permitted to sell sheep or other livestock by sight, without weighing them. The justices were charged to enforce this rule under pain of a severe residencia.

7. This decree provided "that on no estancia, nor outside of it, without express license or faculty, shall meat be sold; nor shall some rancher, nor breeder of herds, sell cows or calves to the Indians, nor other persons, under penalty of 100 pesos to whom should do the contrary; and the breeder or rancher shall be banished for one year." See Beleña, I, 12.

8. Beleña, I, 53-54.

The method of furnishing the meat supply in Mexico City, and in other towns of New Spain was different and novel. The city meat supply was provided by a contractor and the price of meat was determined by public competition. Toward the end of each year, usually a month before New Year's day, the cabildo issued a proclamation "in order that the supply of mutton and beef of this city be auctioned."⁹ It was the custom to proclaim in the city and in the neighboring places that bids would be open on New Year's day. From then until Ash-Wednesday the herdsmen and flock masters could tender their bids, and at the end of that period of time the lowest responsible bidder was assigned the contract; that is to say, the one who agreed to provide the most meat for the least money got the contract. All bids were carefully recorded in the cabildo records:

Marco Perez, a resident of this city, said that the meat supply was auctioned to Juan Sanchez, a caballero, at 18 pounds of beef per real and 7 pounds of mutton per real; and because I pretended to make a lower bid in said meat market than this offer, and to give 18 pounds of beef per real, and 7-1/2 pounds of mutton per real, which your lordship seeks and supplicates, ... said Juan Sanchez admits to me this lower bid of a half pound more of mutton which I make in said meat markets; and I offer as my bondsmen Diego Perez, my brother, and Juan Moreno, merchant in St. Augustine Street, and the other necessary bonds as are contained in this cabildo 10

9. Actas de Cabildo, X, 109. Cf. Vol. IX, 9, 10, 124, 255. See also Vol. IV, 70-71.

10. Ibid., 60. For other bids see p. 61 of this volume. Auction day was usually the first Monday of the New Year. See Vol. VI, 278. Cf. Vol. XII, 19.

All bids were received by the scribe of the cabildo who kept complete and accurate records.¹¹ At any time between New Year's day and Ash-Wednesday those who desired to make bids could appear before the scribe of the town council and make known their bids, "in order that it can be let to the lowest bidder." The person who bade lowest got the contract to supply the city for one year. He was required by law to give bond in order to guarantee the year's meat supply.¹² Contractors were notified "that it was necessary to give bond within three days, in accordance with said auction, before the deputy and justices of this city"¹³

Although there were times when contracts for mutton and beef were let separately to individuals, usually all meats were auctioned together and one contractor furnished the whole supply. At the cabildo meeting of February 13, 1576, the town councilmen agreed that the supply of mutton and beef in the slaughterhouse should be proclaimed and should be auctioned all together to the person who made the lowest bid; mutton was proclaimed at 9-1/2 pounds per tomin, and beef at 17 pounds per tomin; and the auction was to be made with all diligence necessary. 14

11. Actas de Cabildo, VIII, 258.

12. Ibid., 34. Meat contractors were not necessarily owners of herds or flocks. In the minutes of the cabildo for the meeting of May 7, 1554, "Pedro Rodriguez, a pitch dealer ... killed a supply of mutton and veal," and was meat contractor for that year.

13. Actas de Cabildo, VI, 135.

14. Actas de Cabildo, VIII, 217.

A short time before New Year's day the cabildo, in consultation with the viceroy, made an estimate of the mutton and beef supply for the coming year. When the regidores concluded that "it is necessary that the city should decide upon said supply, and to provide for it," they supplicated the illustrious viceroy; having advised with him they estimated as nearly as possible what amount of meat would be needed by the city for the forthcoming year.¹⁵ This information was then made known to all bidders for their own convenience.

The cabildo usually designated two responsible persons who carried on all direct negotiations with the contractor. These two persons formed a link between the cabildo and the meat contractor; they were to "see that what is necessary should be done ... in order to conform with what is ordained"¹⁶

Numerous regulations were passed and many precautions were taken to compel the meat contractor to do his duty. In the early days of the cabildo of Mexico City the councilmen passed and then reenacted in subsequent meetings, many acts to make sure that the public was supplied with mutton and beef; many precedents were then set by the cabildo.

It is well to remember that owners of cattle and

15. Ibid., 167.

16. Actas de Cabildo, X, 144.

sheep were allowed a period of approximately three months, from New Year's day to Ash-Wednesday, in which to slaughter and sell their beef, mutton, or pork; during the rest of the year it was the duty of the contractor exclusively to supply the city with meats, at the stipulated rate and under constant vigilance as to weight and quality.¹⁷

Whenever the contractor, for any reason, failed to perform his duty the public suffered great loss and injury. The cabildo provided that, in case the contractor should not live up to his obligations, "said contractor or his bondsmen shall pay according as is commanded." If and when the contractor failed to furnish the meat supply, other persons were then permitted to slaughter sheep and cattle under the condition "that no one shall kill beasts without first appearing in this city"¹⁸ and before the cabildo. In so doing the people were not deprived of meat at any time during the year.

Heavy penalties were meted out to contractors who did not comply with the terms of the contract. In case the contractor and his bondsmen failed to supply the

33. 17. Bancroft, History of Mexico, II, 142, note

18. Actas de Cabildo, IV, 35. When the contractor failed to do his duty it was proclaimed publicly and before special witnesses.

city with meat, the cabildo provided that

said contractor and his bondsmen shall be held in the public jail of this city, and shall be imprisoned until they give order to comply with the conditions and agreements of said meat contract; and likewise their goods shall be held if they should not wish to comply with the aforesaid. The contractor and his bondsmen shall be notified daily to furnish the supply according as they are obligated, under penalty of 1500 pesos to the chamber of His Majesty. 19

The public often complained that the contractors "had not supplied meat, or that the meat was spoiled or very filthy." In such cases the goods of both the contractor and bondsmen were confiscated and "such quantity of these goods shall be taken in order to provide for a month, buying the supply of meat from said goods at the price which should be found." ²⁰ Funds procured from the sale of the confiscated goods were used "to buy sheep, hogs, and cattle to supply what is desired at current prices; these animals were to be weighed in the city slaughterhouse." In order to be sure that the city would be supplied with meat if the contractor should fail to do so, the cabildo commissioned certain regidores "who, with the señor alcalde, shall make necessary provision." ²¹

Members of the cabildo had foresight enough to pro-

19. Ibid., 39.

20. Ibid., 40.

21. Ibid., 46. The first regidores so commissioned were Alonzo de Contreras, Antonio Serrano de Cardona, and Gonzalo Ruyz. Cf. Vol. V, 68, meeting of October 23, 1544.

vide for all possible contingencies. If the contractor should become incapacitated "because of illness and could not conveniently do his work," the cabildo designated another responsible person to see that the city meat supply was furnished; he was to have charge of all accounts, and of the slaughterhouse; he was "to act in conformity with the contract" as the contractor would²² be compelled to do if he were not ill.

Under some circumstances the meat contractor served more than one year. In the early days of the colony competition was not so keen as it was later. In the cabildo meeting of March 19, 1538, the regidores said

that inasmuch as Diego de Logrono was meat contractor of this city during the past year which will be completed at the end of this quarter ... and there is no other contractor for the year which is coming, they ordained that if he desires to be meat contractor for the coming year that it shall be proclaimed with the conditions of this city, and confirmed by Gonzalo Ruyz, deputy regidor, and Miguel López, scribe of this cabildo. 23

The cabildo officials were constantly on guard against fraud of any kind which might be committed by the meat contractor. It was a common practice among the contractors to deceive and defraud the breeders and stockmen when livestock were weighed in the slaughter-

22. Ibid., 47. Cf. Vol. V, 56, meeting of July 29, 1544.

23. Ibid., 122.

house. This exploitation of the herdsmen at the hands of the contractors was checked when the cabildo provided that "said contractor cannot weigh such meat, but it shall be done by the registrar" who was to see that the breeders got justice at all times. ²⁴

There were many instances of incompetence and negligence on the part of the meat contractors. Some of them were not primarily interested in the meat business and desired to pursue their regular occupations. To be sure, the herdsmen and flock masters who took the contracts were usually competent; this was not always true of persons engaging in other occupations. In the cabildo meeting of September 14, 1554, the members

discussed the great lack of mutton in the slaughterhouse of this city, of which the public complained because the contractor, who was a pitch dealer, did not furnish nor desire to furnish any meat; they commissioned the alcaldes señores to see that said pitch dealer or his bondsmen were compelled to furnish the supply of meat in accordance with their obligations. ²⁵

Meat contractors were to devote themselves exclusively to the task of supplying the city with meat, and were not to engage in any other business, nor have other obligations. They were "to buy the quantity of sheep and cattle necessary for the meat supply of this city ... by the agreements and contracts to which they are obligated; and they shall have no other obligation to this

24. Ibid., 236.

25. Actas de Cabildo, VI, 149.

city." ²⁶ They were required to serve the city well and for the good of the public at large.

The cabildo specifically defined the duties of the meat contractor. He was to take charge of all accounts of the costs, salaries of guards, of servants in the slaughterhouse, and of the butcher, and "all other things touching the supply of mutton and beef." He was to check each week on the meat cutters, and on all meat weighed and sold; he was required to see that all meat sold was of good quality. He supervised the inspection of steelyards. In brief, he was to "buy all the cattle and sheep necessary for said supply ... and look after the peace and safety of all to whom he was obligated." ²⁷

In Peru the meat supply was provided by a contractor, very much the same as was done in New Spain. Each year the cabildo heard bids and let the contract to the person who bade lowest. The contractor was to furnish ²⁸ mutton, beef, and pork for one year.

That mutton was a wholesome, easily digested food was well known to these early settlers. The belief was prevalent, and rightly so, that mutton was good for the sick. Conscientious meat contractors attempted to keep a fresh supply of good quality mutton ready at all times

26. Actas de Cabildo, VIII, 168.

27. Ibid., 218. Cf. p. 226.

28. Libros de Cabildos de Lima, IV, 154. Cf. VIII, 5.

for this purpose. In the cabildo meeting in Lima, on July 1, 1555, the

meat contractor proposed to the cabildo ... that he should weigh out two sheep of Castile daily for the sick; and because this condition is very aggravated by not having said sheep for said supply ... he proposed that they (the cabildo) provide this mutton supply through another person who should be so obligated to furnish said supply of mutton 29

The method of branding by which all meat contractors could identify their livestock was provided by law. Whenever a contractor bought steers, sheep, or hogs for the slaughterhouse, or to stock his own estancias, he could not receive them outside of the corral of the owner from whom he made the purchase. And before taking the livestock away from the corral he was required to mark them with pitch, using the stamp of the seller. If two or three parties had the same brand, the pitch marks were made on different parts of the beasts; "and in the bill which is made of the sale it shall be declared on what places each party made his pitch marks ... and the pitch marks must not be on the brand which the beast has." They were not to make pitch marks on cows, heifers, nor any unbranded beasts. The number of beasts sold at each sale was noted before a scribe; if no scribe were available, the sale was witnessed by four Spanish witnesses, who were well known persons.

After the contractor had made his purchase and taken the beasts out of the corral of their former owner, no person was permitted to alter or deface the pitch marks, or to make any other marks on them, under penalty "of loss of the herd, and of 50 pesos applied half to the chamber of His Majesty and the Council of the Mesta, and the other half to the judge and denouncer"³⁰

The meat contractors and their servants were not permitted to hold rodeos, nor to round up any steers or other beasts unless they had been legitimately acquired from the breeders. The penalty for infraction of this regulation was 100 pesos for each offense, applied in accordance with the ordinances.³¹

Next to the contractor the inspector was doubtless the most important official connected with the slaughter industry. The slaughtering of cattle and sheep within the city limits was strictly forbidden. Public slaughterhouses were built on the outskirts of the city, and were under constant surveillance of the inspector. The duties of the inspector, or veedor, were as follows:

In each slaughterhouse shall be a Spanish veedor at the cost of the contractor who shall be named by me ³² or by the person who assists in the government of this land. And it shall be that the teniente, or con-

30. Beleña, I, 36-37, cap. 25.

31. Ibid., 13. Ordinance of November 18, 1578.

32. The viceroy.

stable, or minister of justice, cannot be veedor, under penalty of privation of office, and of 100 pesos applied according as is said. And whoever is such veedor shall have a book in which he shall note down the herds which shall be killed, and their brands and marks; and before the killing of such herd is begun he shall see and inquire if it is bought and marked with pitch in accordance with the ordinance which regulates this, under penalty that, if he should do or consent to do the contrary, said veedor shall pay for the head which are killed, or double their value. ... And before said veedor is received in or makes use of said office, he shall be obliged to give bond in writing, and security, for the satisfaction of the justice and the regidores ... and he shall swear to perform said office well, under said penalties. 33

The veedores were further obligated to dispatch information of the herd which had been killed before them, and of the marks and brands on them, ten days after Ash-Wednesday, before the regimiento of the city, or the alcaldes de mesta. The veedores were to assist the constables in investigations of thefts of animals taken to the slaughterhouses, and were to aid in the execution of the ordinances. ³⁴ All information concerning the herds and flocks was to be given to the veedor "in the presence of a corregidor, or of his lugar - teniente. And in default of them ... it shall be before two honored men of the town" ³⁵

We have already noted that the viceroy was empowered to nominate the meat inspector either directly,

33. Beleña, I, 37-38, cap. 26. Cf. Actas de Cabildo, VIII, 215.

34. Ibid., 35, cap. 21.

35. Ibid., 38, cap. 27.

or through his representative. Actual selection was in the hands of the cabildo. The cabildo minutes for the meeting of July 12, 1574, record an instance where the viceroy used the indirect method of selection of the meat inspector; these minutes read as follows:

The illustrious viceroy Don Martín Enríquez ... has given license and power to Diego de Medina to take the staff of justice into said meat markets. ... Said Diego de Medina shall name an inspector of said meat market; and he shall give him power to assist every day. And in weighing any quantity of meat they shall take especial care that the persons who buy it can reweigh it, and in this way a just weight is given, knowing that when mutton or beef were purchased there was no short weight. Likewise good tables shall be provided for mutton and beef, especially for meats intended for the excellent and royal odores of the audiencia, and other marked persons 36

The meat inspector also was obligated to keep an account of the excise tax levied both on beef and mutton, the proceeds of which were to be used to construct and maintain the city water supply. 37

As a rule the cabildo elected to the office of meat inspector the person who had been named by the viceroy, or his representative. The term of office was one year. Usually the person chosen was a resident of the

36. Actas de Cabildo, VIII, 118.

37. Actas de Cabildo, VII, 183. In the cabildo minutes for the meeting of May 27, 1591, the following is recorded:

"Augustin de Bustamante, inspector of meat markets in this city, said that from Saturday, March 2, of this year, to Tuesday, April 9, there were weighed in the meat markets of this city 1449 sheep at a maravedí per head, amounting to 5 pesos, 2 tomines, and 7 granos; and this is true and correct." See Actas de Cabildo, X, 89.

city, known to be reliable. The cabildo closely guarded this important office. Any inspector who was reported to be incompetent was immediately investigated by a member of the cabildo. If found guilty, the cabildo could dismiss him. An account of such an investigation is recorded in the cabildo minutes for the meeting of May 30, 1580:

The señor alcalde said that he did not know that said inspector had done anything (wrong), and that he ought not be removed from office before completing his year. And it was his opinion that if he were guilty of negligence, he could be reprehended for it. 38

The salary of the meat inspector was guaranteed by the cabildo, and the contractor or majordomo were responsible for making the salary payments. The salary of the inspector was 200 pesos de oro común per year. 39
Until toward the end of the century this salary was paid twice a year, in two installments of 100 pesos each. 40 The funds to pay the meat inspector's salary

38. Actas de Cabildo, VIII, 437.

39. In 1585 the yearly salary of the meat inspector was raised to 300 pesos de oro común, and was paid in three 100-peso installments each year. Actas de Cabildo, IX, 55. Cf. p. 155.

40. There were exceptions to this. At times it seems that no consistent policy was followed. In the cabildo meeting of March 2, 1581, the members "ordered Francisco Martinez, contractor of meat markets of this city ... to pay to Augustin de Bustamente 73 pesos, 4 tomines, and 3 granos of oro común due him for 3 months and 20 days of service as inspector in the meat market of this city, which began on September 5, 1580, and ended December 31 of said year" See Actas de Cabildo, VIII, 483. Cf. the minutes on p. 504. In the meeting of March 28, 1579, the cabildo ordered the con-

were procured from the proceeds of the sales in the slaughterhouse. The cabildo records of the meeting of March 3, 1577, are as follows:

In the cabildo we order Francisco Martinez, contractor of the meat markets of this city, from the maravedís and pesos of gold which are or were in his charge, from the maravedís and cuartillos proceeding from cattle and sheep which have been slaughtered in the slaughterhouses of this city for the year 1576, to pay to Augustin de Bustamente 200 pesos de oro común which is due him as inspector of the slaughterhouse for said year, given by certification of the señor depositor, Andres Vasquez de Aldana, with our warrant and his letter of payment 41

If an inspector of meats should succeed himself in office, his salary usually remained the same as it was the previous year. 42

In New Spain some meat inspectors were chosen to inspect meat in the slaughterhouses; others inspected meat in the market places. In Peru, however, the meat inspector had a double responsibility; on January 2,

tractor to pay Augustin de Bustamente 114 pesos and 4 tomines of oro común due him for serving 6 months and 5 days as meat inspector. See ibid., 382. The minutes of the meeting of November 11, 1580, on p. 464, indicate that the cabildo ordered that the regular semi-annual payment be made. Ibid., 464. Cf. pp. 539, 613, 642, 671. On July 29, 1586, the cabildo ordered the "majordomo of this city, from the maravedís and pesos de oro común which are in your charge ... to pay to Augustin de Bustamente 76 pesos, 5 tomines, and 4 granos de oro común due him as the first third of his salary, ending March 17" Actas de Cabildo, IX, 144. Cf. p. 161, the meeting of September 22, 1586.

41. Actas de Cabildo, VIII, 273-274. Here, noting inconsistency again, the salary of 200 pesos was paid in a lump sum. Cf. pp. 314, 324. See Vol. IX, pp. 8, 87, 98, 99, 270. See also Vol. VII, 183.

42. Actas de Cabildo, VI, 50. Cf. Vol. VII, 107-108, 245.

1566, the "cabildo named to this two-fold office Hernando Quintero as fiel de la carnicería e matadero, at a salary of 200 pesos en plata, payable in thirds" ⁴³

The cabildo selected the meat inspector and fixed his salary. Before beginning his work the inspector was required to take an oath to perform his duties faithfully. ⁴⁴

In Peru the cabildo passed specific rules and regulations to govern the slaughter and sale of mutton and beef. Special care was taken that no contaminated meat was exposed for sale and the meat was kept in a sanitary condition. Meat could not be weighed for sale unless it was slaughtered in the slaughterhouse. When meat was preserved for future consumption, it could not be salted without the inspector being present. ⁴⁵

Next in importance to the meat inspector came the meat cutter. While his primary duty was to cut up the animals slaughtered in the slaughterhouse, he performed many other tasks. He assisted in killing the livestock; he aided in the skinning and eviscerating processes; he helped weigh the meat, and collected the money for it, "As well as going for the herd and doing all that is necessary in said slaughterhouse; and he shall give ac-

43. Libros de Cabildos de Lima, VI, part 2, 379.

44. Libros de Cabildos de Lima, V, 299.

45. Libros de Cabildos de Lima, VI, part 1, 104.

count of it; and for him they shall set aside 150 pesos
de minas⁴⁶ He was chosen by the cabildo to serve
 for a year. He was responsible through the majordomo to
 the town council, and was required to take an oath be-
 fore entering on his duties.

Strict regulations were laid down by the cabildo
 regarding the cutting of meat. It was to be cut ex-
 clusively by the "cutter of meat, and no other person
 shall dare to cut it; nor shall it be bought from any
 other person, under penalty of 100 lashes to which they
 shall be condemned for doing the contrary."⁴⁷ No per-
 son was permitted to cut and sell meat outside of the
 meat markets, under a "penalty of 300 pesos, applied
 in fourths to the chamber, city, judge, and accuser."⁴⁸

An official of lesser importance in the slaughter-
 houses was the deputy. In many instances one of the
 regidores was chosen for this office.⁴⁹ He was elected
 by the cabildo to serve for one year.⁵⁰ He performed
 many and varied duties around the slaughterhouses. In
 the cabildo meeting of December 3, 1590, "Baltazar
 Mexia Salmeron ... was given the commission to repair

46. Actas de Cabildo, IV, 125. On April 4, 1596
 the cabildo raised the pay of the meat cutters 6 tomines
 weekly. See Vol. XII, 268.

47. Ibid., 193.

48. Actas de Cabildo, XII, 268.

49. Actas de Cabildo, VIII, 566. Cf. pp. 648,
 681, 712.

50. Actas de Cabildo, IX, 48.

the slaughterhouse, to see and be informed of what needed to be done, and to account for it to this city"⁵¹ In the cabildo of October 31, 1588 the members declared that "deputy in the meat market Don Pedro Lorenzo de Castillo shall visit the mint (casa de la moneda) with Diego de Velasco."⁵² In general, the deputies were to assist in whatever tasks fell to their hands concerning the slaughterhouses and meat markets.

The cabildo kept a constant check on the activities of the deputy and encouraged him to obey the laws of His Majesty. The cabildo minutes of June 15, 1584, record an incident where

Don Luys Phelipe notified the city that, as deputy in the slaughterhouse, he robbed a man of a sword ... and in order to conform to the law of the audiencia he has been ordered to return it, and not having done so to be imprisoned in the houses of the cabildo⁵³

Having given attention to the various duties, obligations, and privileges of the contractor, meat inspector, meat cutter, and deputy, it is well to turn to other activities in the important processes of the slaughter and sale of mutton, beef, and pork.

We have already noted that particular attention

51. Actas de Cabildo, X, 34.

52. Actas de Cabildo, IX, 302. In Quito three deputies were named annually by the cabildo. See Cabildos de Quito, VI, 104.

53. Actas de Cabildo, VIII, 697.

and directions were given for the breeding of all kinds of livestock; protection and amenability were secured by having all sheep and cattle duly branded and the distinctive marks of ownership properly registered with the city notary, or scribe. The matter of registration was very important and merits some consideration in further detail.

The purpose and procedure of registration of herds are described in the cabildo minutes for the meeting of March 29, 1541:

To prevent frauds and to protect the breeder they (the cabildo members) named two regidores to register the herds of breeders who wished to weigh them; and they gave to each one a time for registration, and took special care that there was no fraud, and advised the breeders to deal with the contractors in such a manner that there would be no loss of meat. They ordered that the cutters, who are or were, could weigh no meat without a license from said regidores. ... Said cutters shall guard this ordinance with all diligence, under penalty of 20 pesos for the first offense ... and for the second, it shall be doubled; for the third offense it shall be tripled ... and a hundred lashes more 54

More specific regulations were passed in the cabildo meeting of October 24, 1547. In that meeting the town council members talked about providing the meat supply for the coming year. It was proclaimed publicly, after the meeting, that all residents of this city shall register the

54. Actas de Cabildo, IV, 237. This duty was first assumed by regidores Bázquez de Tapia and Gonzalo Ruyz, who received an annual salary of 25 pesos de oro común each.

herds which they have, during the whole month of next November of this present year, declaring the quantity of herds and their ages; in order to be able to weigh them in this city and to be admitted, they shall be registered before the deputies and scribe of this cabildo ... under penalty that whoever should not make said registration in said term, including those who buy or sell said herds, shall lose said herds and 100 pesos de oro, half to the chamber and fiscal of His Majesty, the other half to the city, the accuser, and the judge who should sentence him, in third parts; and it shall be publicly proclaimed in order that notice may come to all 55

Contractors who agreed to supply the slaughterhouses in Mexico City, as well as in other places throughout New Spain, were obliged to register locally all herds which were to be transferred to the slaughterhouses. If the herd was from the Chichimecas it was to be registered in Pueblo de San Juan in the province of Xilotepeque and in Pueblo de Nila. If the herds and flocks were from the valley of Mataltzingo, they were registered in Toluca and afterwards in the commons of Mexico City. Herds from the mining district of Tasco were registered in Pueblo de Tenango, Temascaltepeque, or Sultepeque. Beasts for the slaughter from Zacualpa were registered in San Juan or Pueblo de Zinacantepeque. All herds and flocks passing from these localities to the slaughterhouses, which were not properly registered, were confiscated and their proceeds were applied according to the ordinances of the Mesta.

55. Actas de Cabildo, V, 192.

56. Beleña, I, 54, cap. 65.

In New Spain, the matter of registering herds and flocks for the slaughter was largely in the hands of the mesta officials. It was not so in Peru. In that country the cabildos had jurisdiction over the registration of all livestock. Registration took place before the scribe of the cabildo. The minutes of the meeting of November 19, 1565, of the cabildo in Lima are as follows:

In order to understand what animals are available for the auction, and for the common good of the town, the cabildo proclaimed publicly that all residents and breeders within or outside of the city shall manifest before the scribe of the cabildo every kind of his herds - steers, sheep, hogs, and heifers - and what they shall weigh, and he shall note down in a book the statistics 57

All herds and flocks destined for the slaughter-houses were usually kept temporarily in the commons of the various towns. "And the justices of all this New Spain shall not impede them; and if such herds should do any damage, they (the contractors) shall pay it" 58

Herdsman and flock masters were not required to register their livestock more than once, "and the scribe or justice before whom they make the registration shall give them testimony of it and of the rights which have been brought to them by this reason; and they shall not be obligated to make a new registration" 59

57. Libros de Cabildos de Lima, VI, part 2, 368.

58. Belená, I, 54-55, cap. 66. Cf. p. 12.

59. Ibid., 13.

The matter of registration of the herds to be slaughtered was no more important than the problems of the location of the slaughterhouses, and the time and manner of the auction of livestock.

We have noted that the slaughtering of cattle, sheep, and hogs within the city limits was strictly forbidden; the filthy scenes of shamble life that so long disgraced England and other countries of the old world were unknown in New Spain. Slaughterhouses, under the all-seeing eye of the inspector, were built on the outskirts of the city, anticipating the abattoir of

France.⁶⁰ When the first slaughterhouses and stores were built in Mexico City, the cabildo consulted Viceroy Mendoza concerning their proper locations. Two stores were built in the main public square, but the slaughterhouses were built in "some other place which is convenient"⁶¹ In the central public square no one could sell sheep, maize, firewood, and straw.

But

said things shall be sold in the little square which is in front of the Hospital del Amor de Dios. And sheep for the meat market shall be placed and sold in the other little square which is next to said hospital, past the corner; and in the same place hogs shall be sold; and maize and fire wood shall be placed and sold in the little square in front of the school houses; in that square horses and mules shall be sold.

60. Bancroft, History of Mexico, II, 142, note 33.

61. Actas de Cabildo, IV, 83. Meeting of May 11, 1537.

persons bringing firewood to the city were permitted to go through the streets in the main part of the city, but no one was allowed to sell it, or any livestock, in the central plaza. The penalties for infractions of these regulations indicate social discrimination: a Spaniard or mestizo was fined 10 pesos, half to the chamber and half to the denouncer; a negro, negress, male or female Indian "shall be given thirty lashes, tied to a pole of the gallows, and shall pay 4 reals to the constable who should denounce and execute them."⁶²

The cabildo declared in many acts that no livestock should be sold in the public square. In the meeting of July 26, 1548, the town officials decreed

that no person of whatever quality he may be shall take into the public square of this city any hogs or other herds in order to sell them. And the deputies shall make outside of this plaza a place where hogs, sheep, and cattle, can be sold. They shall not be sold in the public square or royal streets, under penalty for the first offense of losing them, applied in third parts, to public works, to the poor in the jail and hospitals, and to the judge and person bringing suit; and for the second offense the penalty shall be doubled. ⁶³

The cabildo provided for the construction of four slaughterhouses to provide mutton and beef for the city, in proper locations near the city boundaries. The cabildo ordered that tributes be collected from the Indians of Mexico City and Santiago to finance the building

62. Beleña, I, 91. Ordinance of July 23, 1585.

63. Actas de Cabildo, V, 224.

and maintenance of the four slaughterhouses, and other public works in the city.⁶⁴ Slaughterhouses could not be moved to new sites, nor could new ones be built without the consent of the cabildo.⁶⁵ As a rule the slaughterhouses were not built on very low land, nor near the canal which brought the city water supply from Chapultepec.⁶⁶

Residents of the City of Mexico and those living within a radius of two leagues were forbidden by law to sell mutton or beef outside of the slaughterhouses, under penalty of 50 pesos and loss of the meat.⁶⁷ There were times when persons outside of the slaughterhouses slaughtered animals illegally and sold the mutton and beef at a lower price, thus competing unfairly with the slaughterhouses and meat markets. In the cabildo meeting of April 11, 1552, the regidores ordered "that, to avoid loss and damage to the public, it shall be publicly proclaimed that those who do not have slaughterhouses shall be discouraged to sell meat"⁶⁸ This notice was made known to all so that none could pretend ignorance of it.

Having considered the places where animals were

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- 64. Actas de Cabildo, VII, 179.
 - 65. Actas de Cabildo, VIII, 724.
 - 66. Actas de Cabildo, VI, 78.
 - 67. Ibid., 333.
 - 68. Ibid., 51.

slaughtered, some attention should be given to the time when they were killed. Saturday was the big market day in New Spain.⁶⁹ And in order that customers could have fresh meat, for the most part, beasts were slaughtered early on Saturdays. Many personages were present at the scene of the slaughter; the contractor, inspector, cutters, deputies, and at least one alcalde aided in, or witnessed the killing of the animals. Lambs, kids, and sheep were usually sold by quarters; they were to be sold on Saturdays by cabildo regulation.⁷⁰

In Quito all matters pertaining to the slaughter and sale of meat were in the hands of the cabildo. This body determined the location of slaughterhouses and meat markets, passed regulations to maintain sanitary conditions, and saw that the people received justice in their dealings with the contractors of meat.⁷¹

It is obvious that the provision that all slaughterhouses should be built on the outskirts of the city was a measure to guarantee sanitary conditions in the city. The sale of meat, fish, vegetables, and perishable provisions was made the subject of many and particular sanitary laws regulating time, place, price, and quality. Cleanliness was made to be regarded as a cardinal

69. Actas de Cabildo, IV, 12.

70. Ibid., 78. Cf. 164.

71. Cabildos de Quito, II, 251.

virtue. The problem of sanitation vexed the people and the members of the town council of Mexico City, even in the early days of the colony. Conditions are adequately described in the minutes of the cabildo meeting of May 16, 1542:

Inasmuch as the people complain that those who use the slaughterhouses for killing lambs, veals, and other beasts, and because of the blood, and by emptying said entrails into the slaughterhouse there is much stink which is an injury to the public... because of this it has been ordered not to kill said meat nor empty said bowels, nor blood, in such a way as to cause stink. They shall not kill sheep, lambs, goats, veals nor any other beasts in said slaughterhouse, nor in said square, and leave bowels nor anything because of said blood and filth - nor in the water canal joining said slaughterhouse, under penalty of 4 pesos de oro ... and if it should happen a second time, he shall be deprived of using said slaughterhouse. And for a third offense he shall clean all the filth in said slaughterhouse and water canal ... within three days, under penalty of 10 gold pesos ... and ten days in jail 72

We have already noticed that no one was permitted to construct a slaughterhouse in the main public square. This reform did not come about, however, until the viceroyship of Antonio de Mendoza. Before his administration the records strongly indicate that a slaughterhouse was located in the heart of Mexico City and that conditions finally became unbearable to the public. The cabildo, then, with the advice and instruction of the viceroy took action to remedy conditions against which there was strong public agitation. In the cabildo

session of March 1, 1543 the señores and regidores

said that inasmuch as through the bishop and church of this city, and by other persons, complaints have been made and petitions given to this city to remove from the public square the slaughterhouse which, because it is not in a convenient place due to the damage from stink of killing and skinning the herds which are sold in said plaza, they ordered that it be removed from said public square and not to be put in any part of it 73

Thereafter the slaughterhouses were built in better locations, and the filthy conditions were partially eliminated. Nevertheless, this did not solve the problem of sanitation entirely. Although the law required that slaughterhouses be built in certain locations, unsanitary conditions still persisted. Meat inspectors often neglected their duty, and some meat markets and slaughterhouses were rarely visited by the inspector. 74 Some butchers sold dirty, filthy meat; worse still, a few sold putrefaction which was the main cause of sickness in the community. Contractors of meat were often careless and lacking in cleanliness. It was a common practice for butchers to kill beasts in advance, before it was necessary; this meat was left suspended from day to day exposed to flies, dust, and dirt. In 1545 the cabildo passed rigid ordinances to check this carelessness. Meat cutters were not to cut nor weigh any meat which was spoiled or stinking, under penalty of

73. Ibid., 331.

74. Bustamente, Historia general de las cosas de Nueva España, III, 55.

a hundred lashes. In order to give greater effect to this law the cabildo appealed to the good viceroy Antonio de Mendoza, who decreed that the law should be publicly proclaimed and enforced with vigor.⁷⁵ The cabildo provided further that when animals were decapitated they were to be hung up in a clean place in order that they might bleed well; butchers were required to take every precaution to be sanitary. All butchers were paid at the cost of the city.⁷⁶

The matter of ventilation of the slaughterhouses and meat markets was regulated by the cabildo. As early as June 19, 1536, the cabildo of Mexico City commissioned "Antonio Serrano de Cardona to open two windows in the rooms of the slaughterhouse with a timber railing in order that air may enter."⁷⁷

In Peru also the cabildos attempted to solve the problem of unsanitary conditions not only in the slaughterhouses and meat markets, but also in the homes. In the city of Lima persons who had been accustomed to keep sheep in their dwelling houses within the city were forbidden to do so because of unsanitary conditions. The penalty for the first offense was loss of one sheep to the cabildo; for the second offense it was

75. Actas de Cabildo, V, 79-80.

76. Actas de Cabildo, VII, 507. Cf. Vol. IV, 85.

77. Actas de Cabildo, IV, 21.

doubled; and for the third offense "loss of all one's sheep, applied half to the person bringing suit, and the other half to the public works of this city."⁷⁸

In those days of the dim, distant past modern conveniences were unheard of, and the people did not enjoy the blessings of the machine age; facilities and labor-saving devices that we take for granted today were unknown to them; they had no method of refrigeration and fresh meat had to be consumed immediately after it was slaughtered; when kept too long it became tainted and soon putrefied. The cabildo, however, did insist that every precaution be taken against the selling of corrupted or adulterated meats.

One of these precautions was the provision that in each slaughterhouse there was to be a chopping block for each kind of meat slaughtered and sold. Meats were not to be mixed with one another, and each kind of meat was to be cut exclusively on its intended chopping block. This would avoid adulteration and guarantee a fair deal to meat customers. In the cabildo meeting in Mexico City on March 17, 1541, the councilmen provided

that in the slaughterhouses of this city there shall be four chopping blocks on which to cut meat; and whoever does not comply with this, they ordered that he must have at least three chopping blocks and three meat cutters; on one block, beef shall be cut; on another,

78. Libros de Cabildos de Lima, I, 58. Meeting of November 6, 1535.

pork; and on the third, mutton, without mixing one meat with the other; and they shall have no less (than three chopping blocks) on any day, under penalty, for each chopping block which is lacking, of 10 pesos de oro común, contained in said conditions. 79

Subsequently the cabildo passed an ordinance that four chopping blocks were to be used in slaughterhouses both within Mexico City and in the surrounding districts of San Francisco, Santa Catalina, and Trinidad.⁸⁰

A similar procedure was followed in Peru in the cutting of meats. The cabildo of Lima provided that four chopping blocks should be used in the slaughterhouses and meat markets. And each kind of meat was always to be cut on the same block. In so doing the meats were not mixed and the public was not defrauded.⁸¹

Many other acts were passed by the cabildo in Mexico City to provide for the construction, equipment, and maintenance of the slaughterhouses. Often the buildings were not well constructed and soon reached a sad state of deterioration. Dilapidated slaughterhouses were an invitation to thieves and vandals. The minutes of the cabildo session of September 13, 1583, throw light on the type of building used as a slaughterhouse:

79. Actas de Cabildo, IV, 235. Two years later, in 1543, the cabildo, after much public complaint, provided that a minimum of four chopping blocks was to be kept in each slaughterhouse. See this same volume, p. 342.

80. Actas de Cabildo, VII, 178; Vol. VI, 450; see also Vol. VIII, 62. Cf. in Vol. VIII, 732.

81. Libros de Cabildos de Lima, V, 610.

Today it was proposed by the constable that at present ... because of the lack of many joists in the frame of the slaughterhouses, and not having keys to the doors ... a great mob of mulattoes, negroes, and negresses enter to the chopping blocks where they cut meat, for which cause they steal the meat, do not leave it for weighing, and hinder greatly the dispatch of said meat market; likewise it is necessary in said slaughterhouses for much repair work. In order to remedy this, the majordomo of this city, from the proceeds of the maravedís and cuartillos, ordered said constable of the necessity of making locks, keys, joists, and other repairs, and of the Indians required to do this work. And it is necessary that this be done with all possible dispatch. 82

In fact, poor material was often used in the construction of slaughterhouses. In 1585, a slaughterhouse was constructed near Zancopina bridge, in Mexico City, from cabins which had been purchased from Indians. These cabins were purchased at the cost of the city from funds received in meat sales. The city purchased the site, and the contract for erecting the building was let to Guillen Brondat. By and large, the slaughterhouses were built of inferior materials, and the cost of repair and up-keep was tremendous. 83

It is well to keep in mind, however, that during a part of the year 84 meat was not supplied by the contractor, nor was it necessarily sold from slaughterhouses. During the first quarter of the year any owner could slaughter and dispose of his meats 85 as he saw fit.

82. Actas de Cabildo, VIII, 650. Cf. Vol. IX, 15.

83. Actas de Cabildo, IX, 19.

84. Usually the first three months, from New Year's day to Ash-Wednesday.

85. Bancroft, History of Mexico, II, 142, note 33.

Care was taken, however, to prevent monopolies on meat, as well as any other kind of goods. The great bulk of imported goods came through the port of Vera Cruz; thence they were carried to Mexico City and announced for sale by the public crier. Monopolies were prevented by not allowing any person during the first ten days after the arrival of the goods to buy more than was necessary for personal or domestic use; ⁸⁶ five days was the limit on food stuffs, and ten for other effects, ⁸⁷ after which time anyone could buy freely. Limitations on purchasing privileges, nevertheless, did not always prevent monopolies and consequent high prices. This was true especially in the case of mutton, and the cabildo took action to regulate such conditions. In the meeting of March 14, 1555, the regidores

discussed the lack which there has been and is in this city, by not having mutton in the slaughterhouses; and ... they talked about not having any person obliged to furnish it at a moderate price, because "we are informed that the principal cause of this has been that Martín Serrano and Juan de Alguea who have held the office of selling meat in the slaughterhouse of this city have bought all the mutton which was in this city and in the markets"; and on account of this any other person cannot buy and sell it at a lower price. They have sold it at 5 silver reals, ⁸⁸ which is a real more than is ordered. These two persons have associated and have

86. Ibid., 141.

87. Ibid., 141, note 32. An earlier regulation had forbidden anyone to buy goods till 30 days after their arrival on the market.

88. The subject of mutton and wool prices and price trends is of sufficient importance to merit consideration in detail and will be treated in Chapter XI.

joined themselves with others to raise the price of said mutton to 17 maravedís per arrelde in said slaughterhouses. ... All said unions (monopolies) bring great loss and damage to the people of this city and it is necessary that they be chastized. 89

The cabildo ordered the justices and deputies of the city to make information against such persons, "and they shall be taken before this ayuntamiento in order that it may be proven and justice be done."

In the revised and amended constitution of the Mesta of 1574, provision was made that no person could have more than one slaughterhouse. No one was allowed to go into partnership with another in the meat business, under penalty of 500 pesos. Persons making secret contracts and agreements were required to pay a seventh of all their herds and flocks killed illegally in the slaughterhouses; if they did not have the seventh with which to pay their penalty, they were banished a distance of twenty leagues from the neighborhood. 90

Besides the various regulations and checks to prevent monopolies, many other limitations were put on the slaughter and sale of sheep and other livestock. Breeders and owners of sheep could not sell their sheep for the mutton supply of the city until they were a year and a half old; the sheep also had to be sound and free from any diseases. Any sheep owner who disregarded

89. Actas de Cabildo, VI, 164.

90. Beleña, I, 40; Actas de Cabildo, VI, 164.

these regulations suffered a penalty of loss of all sheep sold contrary to the law.⁹¹ Offenders were also fined 200 pesos which was divided equally between the chamber of His Majesty and the justice who heard the case.⁹² The justices of the city were to take special care in the execution of these penalties.

No person, regardless of his social standing or condition, was allowed to sell any kind of meat by sight; all estimates of weight by the eye were illegal. Meats of all kinds for sale were to be weighed in the balances. Mutton and beef were sold in the butcher shops exclusively by the meat contractor. All meats retailed from the meat markets had to be slaughtered in the city slaughterhouses, under penalty of loss of those killed otherwise, and 50 pesos, applied to the chamber of His Majesty and to the person bringing suit,⁹³ according to the ordinances of the Mesta.

The practice of slaughtering animals primarily for their pelts proved to become a serious problem. The pelts were used for many practical purposes.⁹⁴ Beasts were frequently killed for the pelts alone, and the meat was wasted. In order to check this waste and to

91. Beleña, Recop., I, 25. Decree of May 22, 1579.

92. Ibid., 26.

93. Beleña, I, 12. Cf. p. 40, cap. 35, of the Mesta constitution of 1574.

94. Leather made from the pelts was essential to the mining industry, and had many other uses.

conserve the herds and flocks the justices were charged to be very cautious in granting licenses to slaughter animals for such purposes. Justices were charged in the visitas and residencias for any violations or in-
95
competence.

The problem of conservation of the meat supply became very serious and the cabildo members made various attempts at a solution. The minutes of the meeting of November 6, 1565, throw light on their problem:

Inasmuch as some residents of this city complain that some persons buy a great quantity of herds from persons who sell them without being owners of said herds, and kill them with destruction and depravity, without count or reason, wasting meat for the profit in pelts alone, which causes great loss to the realm. ... They ordered the procurador mayor to petition the royal audiencia to send a special investigator (juez pesquisador) for this business; and those found guilty shall pay the costs 96

The cabildo made every effort to get at the root of the problem. It insisted that the royal audiencia should intervene and determine "why in this agora the cause has not been found why for the past eight days there has been no mutton and beef supply." And because there was great demand for meat, the cabildo appointed a caballero regidor to provide for the emergency and,
97
if possible, to purchase meat for the city. The ca-

95. Recop., lib. v, tit. v, ley xx. Cf. ley xviii.

96. Actas de Cabildo, VII, 258.

97. Actas de Cabildo, VIII, 346.

bildo also agreed that the constable, accompanied by Alonzo de Cervantes, should set out, on May 22, 1578, one to the city of Tezcuco, and the other to La Vuelta del Marquezado, "in order to provide sheep at 4 ducats each, at the cost of this city; and the officials shall pay them, and they shall do what public necessity requires"⁹⁸

Another step taken by the regidores to provide for this emergency was to limit the amount of meat sold to Indians. In the cabildo meeting of February 14, 1560, the councilmen ordered Juan Velazquez de Salazar, the procurador mayor of the city, to seek a decree from Viceroy Luis de Velasco to stop the sale of meat to Indians until meat was more plentiful.⁹⁹

In order that the propagation of the herds and flocks could continue the law forbade the slaughtering of female animals. Cows, heifers, and ewes were not to be killed either in small or large quantities, under penalty of 1000 pesos and banishment from the land for four years, for the first offense; for the second offense the penalty was 2000 pesos. And if these offenses were committed by mulattoes, negroes, Indians, or mes-

98. Ibid., 339. Cf. p. 351, minutes of August 11, 1578.

99. Actas de Cabildo, VI, 387. Note: the word "carnicerías" is misspelled; on the printed page it is spelt "canecerías," the first "r" being omitted.

tizos, they were given a hundred lashes publicly. No breeders were allowed to sell cows or ewes to the Indians, nor to other persons, without a license, under the penalties of this ordinance.¹⁰⁰

Not only were many animals slaughtered primarily for their skins, but the tallow from sheep and cattle was equally essential to the pioneers of New Spain. Artificial lighting by means of tallow was unknown to the natives, whose only source of tallow would have been the fat of deer and smaller animals. Tallow for lighting and other practical purposes was not used until the Spaniards introduced sheep and cattle. The consumption of tallow candles in the mines was enormous, and many sheep were raised in the mountain districts near the rich mineral deposits. It is reasonable to assume that the mining industry would have been greatly handicapped, had it not been for the leather, sheep skins, and tallow obtained from sheep.

The meat contractors had charge of the sale of raw or manufactured tallow in the slaughterhouses and meat markets. Although tallow could be made from the fat of any part of sheep or cattle, the best grade of tallow was manufactured from the fat on sheep kidneys. The cabildo passed an ordinance that no one who worked in

100. Beleña, I, 66-67. Ordinance of October 1, 1535; reenacted May 5, 1591. Cf. p. 36, cap. 24.

the slaughterhouses should cut fat from sheep's kidneys. This fat was to be left on the kidneys for the benefit of the customers; each hind quarter of mutton by law included a kidney and the fat surrounding it. The cabildo records of the meeting of July 23, 1548 declare:

... that in the slaughterhouses ... they cut fat from the sheep's kidneys and the public receives great loss. ... Seeking to remedy this, a license must be procured by anyone who can sell mutton by quarters; and it is understood that they shall not cut the fat away from the kidneys of the sheep which are sold in said slaughterhouse 101

This ordinance did not correct the evil and the public still complained. In 1552 a dressed sheep of average size sold for 4 reals of silver; in many instances the fat was cut away from the kidneys, and such carcasses were sold at the same price. The cabildo then enacted more rigid regulations and provided that "henceforth they shall not cut away said fat from the kidneys ... under penalty of being deprived of having a slaughterhouse in this city permanently" ¹⁰² The cabildo provided that all the fat on the mutton was to be left for the benefit of the customers. Regulations were passed against adulterating the tallow in any way. Any contractor or other person who sold mutton or tallow was forbidden to "mix with said tallow any grease

101. Actas de Cabildo, V, 223. Cf. Vol. X, 142.
 102. Actas de Cabildo, VI, 59. Cf. Vol. IV, 345.

or other thing, but they shall sell the tallow pure, without any mixture, under penalty of 20 pesos de minas, and loss of the tallow, for each offense." The regulation was more rigid when contractors disobeyed the law: if they cut fat away from the beasts which they killed, or adulterated the tallow with grease, they were "presented before the illustrious Don Antonio de Mendoza, viceroy of this New Spain, in order that he should confirm it and proclaim it publicly."¹⁰³

The cabildo appointed a tallow inspector each year. He was to see that no adulterated tallow was put on the market. He inspected mutton and beef in the slaughterhouses and meat markets and made certain that no fat was cut from the meat; all the fat meat and tallow were to remain on each cut that was sold. The cabildo records imply that the greater part of the inspector's time was spent in inspecting the tallow from sheep.¹⁰⁴

Some residents in Mexico City engaged in candle making, and owned and operated candle stores. Before anyone could go into the candle business, however, he was required to take out a license. In the cabildo session of October 19, 1545, the officials

licensed Santo Finia and Alonzo, his Indian slave, to use the office of candlemaker of wax and tallow candles,

103. Actas de Cabildo, IV, 19. Fat was not to be cut away from the kidneys, entrails, or testicles.

104. Actas de Cabildo, VIII, 333. Cf. IX, 56.

which they should do well and faithfully, conforming to the decrees of His Majesty and the ordinances of this city. ... If they should do to the contrary, they shall pay by their persons and goods 105

Candle makers and merchants who were licensed were required by law to have bondsmen who repaired losses in case they themselves could not do so.

In Peru, the cabildo let contracts each year to candle contractors. They too were compelled to be bonded and to comply with their obligations. Before entering into their work they took an oath before the scribe of the cabildo faithfully to perform their duties.
106

Having considered these general aspects of the slaughter industry it is well to examine in detail the accounts kept in the slaughterhouses. The cabildo provided that all accounts in the slaughterhouse should be referred to the señor alguacil mayor each year. Two administrators were also chosen by the cabildo to keep accounts of the herdsmen and flock masters. The contador and deputies assisted these officials in their duties. Accounts were not trusted to one man, and this made for efficiency and accuracy.
107

The majordomo was an important personality in the keeping of records and accounts. The cabildo agreed

105. Actas de Cabildo, V, 114.

106. Libros de Cabildos de Lima, V, 295.

107. Actas de Cabildo, XII, 270.

that,

from the proceeds of the sale of mutton and beef, he shall buy a book where he shall note down what is collected, what is spent, and the accounts which shall be taken ... of this city. And they shall be confirmed by the señor procurador mayor and the majordomo 108

The treasurer of the cabildo was ordered, in 1596, to assist daily in the auditing of accounts and records in the slaughterhouse. 109

It is interesting to examine a yearly account of the slaughter and sale of sheep in Mexico City. Mutton slaughtered and sold was carefully recorded in the account books of the slaughterhouse. Few old sheep were killed; the young ones slaughtered were light in weight, commonly weighing 30 pounds dressed. Each year 120,000 sheep were killed. The smallest sheep sold for 6 reals each. Sheep four months old brought 5-1/2 tomines. Those over four months old sold for 5 tomines and 3 cuartillos. Old sheep sold at a lower price than young ones, at 6 reals each. Six pounds of mutton cost 1 real. 110

Several factors are taken into consideration in the following figures on the slaughter and sale of mutton for one year in the slaughterhouses of Mexico City.

108. Actas de Cabildo, VIII, 439.

109. Actas de Cabildo, XII, 273.

110. Actas de Cabildo, VIII, 158-159. Statistics on the slaughter and sale of mutton for the year 1575, in Mexico City, are to be found on these pages. Similar figures on beef sales are on pp. 156-158.

The cost of the sheep, wages of those who tended the sheep, wages of butchers, and the alcabala, or sales tax, are expenditures made by the mutton contractor.

In the column after expenditures are the figures on receipts. By deducting total expenditures from total receipts for the year the contractor's yearly profit can be found.

They killed for a year's supply
120,000 sheep, at 6 tomines each.

This amounts to 90,000 pesos. 90,000

It was necessary for the man who
bought these sheep and kept them out-
side of the city, in the common pas-
tures, to earn a salary of 500 pesos
annually before he could do it. 500

Another man who guarded the sheep
and saw that they were delivered to the
butcher, who for the year 1575 was Fran-
cisco Garcia, a man familiar with his
duties, was paid 200 pesos. 200

Another man who assisted the
butcher in slaughtering the sheep, col-
lected the tallow, and sold the en-
trails, was Hernando de Vergara, who
earned 300 pesos. 300

650 pesos per year was paid to

the Indians who killed and skinned the sheep; tenders earned 150 pesos, totaling 800 pesos.

800

The alcabala on the 120,000 sheep sold at the price stated above amounted to 1977 pesos and 5 tomines.

1,977.5 ts.

All the above totals up to 93,777 pesos and 5 tomines.

93,777.5 ts.

The proceeds from the above follow:

Firstly, weighing the sheep each one at 30 pounds, and giving 6 pounds of mutton for one real, would come to 5 reals for each sheep, which amounted for 120,000 sheep to 75,000 pesos.

75,000

Tallow each week which they could cut away was valued at a peso and 4 tomines per arroba, which amounted in 45 weeks to 4500 pesos.

4,500

The pelts of these sheep were sold at 36 maravedís each, amounting to 15,882 pesos, 2 tomines, and 10 granos.

15,882.2.10

Entrails of these sheep would be pulled out and sold at a half real each, for half of them; the other half, and more, the Indians carried away, always by agreement they had

made with the contractor; the half of the entrails which were sold was valued at 3500 pesos

3,500

This totals up to 98,882 pesos, 2 tomines, and 10 granos.

98,882.2.10

By deducting the total expenditures, or 93,777 pesos and 5 tomines, from the total receipts, or 98,882 pesos, 2 tomines, and 10 granos, the gain equals 5,104 pesos, 5 tomines, and 10 granos.

Gain equals

5,104.5.10

From this gain the following salaries had to be paid:

200 pesos was paid to the inspector of butchers and meats, which was the ordinary salary.

200

200 pesos was paid to the inspector of steelyards in the meat markets.

200

A person was deputized to keep account of purchases, deliver them to the collector, and collect from the proceeds of the meat, of the entrails of sheep and cattle, and the tallow which fell from their carcasses. This person had to be able, reasonable, and have bond. He was paid for his work

2000 pesos.

2,000

These salaries totaled 2400 pesos.

This sum, 2400 pesos, deducted from the total gain, or 5104 pesos, 5 tomines, and 10 granos, leaves a net profit of 2704 pesos, 5 tomines, and 10 granos.

2,704.5.10

All herds and flocks destined to the slaughterhouses were carefully guarded from the time they left the estancias until they arrived in the city. Despite the constant vigilance of the shepherds "many sheep lodge in the boundaries of this city and are lost." ¹¹¹ The animals were kept temporarily in corrals near the slaughterhouses. Then they were butchered and ready for sale and consumption. Flocks of sheep sold to the contractor were frequently very large. The cabildo minutes of March 14, 1597, record that

Gerónimo López, having sworn, declared that he sold during the past year to the contractor 7000 sheep; the contractor paid him and owes him nothing. He has not had any other deal or contract with the contractors, nor bondsmen, nor is he interested. ¹¹²

Toward the close of the sixteenth century many improvements were made in the slaughter industry and a

111. Ibid., 159.

112. Actas de Cabildo, XII, 336. Cf. pp. 366-367. Wealthy herdsmen and flock masters in Spain sometimes had as many as 30,000 to 40,000 head of sheep. See Klein, 61.

great expansion program got under way. Special efforts were made by the cabildo to remedy evils that still persisted. Measures were taken to guarantee honest weights, to discourage theft, to see that tallow was not adulterated, and to put an end to sales of spoiled meat. Slaughterhouses and meat markets were to be "clean like those in the cities of Seville, Granada, and others of the Kingdom of Castile."¹¹³ These measures were for the mutual benefit of contractor and consumer.

The slaughter and sale of mutton and beef became a business of such importance by 1595 that the cabildo found it necessary to appoint two administrators, one to take charge of affairs concerning sheep, and the other to handle matters pertaining to cattle. The cabildo specified their duties as follows:

They shall aid each other and shall assist the viceroy and audiencia in doing all that is necessary concerning the slaughterhouses ... doing what the city commands. ... They shall go out and buy sheep and steers and put them in places and parts where the contractors were accustomed to put them, which these slaughterhouses take¹¹⁴

These two administrators were in charge of all accounts, and were to expedite other business matters pertaining to the slaughter industry. They were empowered to ap-

113. Ibid., 269.

114. Ibid., 124. The first two administrators chosen by the cabildo were Baltazar Mexia Salmeron, alquacil mayor, and Juan Luis de Ribera, who had charge of matters pertaining to sheep and cattle respectively.

point persons to assist them if it became necessary.
 In many instances they called on the tax collector for
 115
 assistance in their work.

By 1593 public necessity demanded the construction of new slaughterhouses in parts of New Spain other than the capital city. It became urgent, particularly in Vera Cruz, to build a new meat market. Conditions in Vera Cruz are described in the cabildo records of Mexico City for the meeting of May 7, 1593:

Because there are so many very poor Spaniards who live so apart from the meat markets of this city ... it is said that near the church of Vera Cruz a public meat market should be built by which the whole district can be provided and sustained. Many poor people do without meat and, because of its scarcity, some persons in said district kill sheep and sell them at a greater price than the meat contractor: therefore, it seems to me that Our Lady could be served in said part and place by adding another meat market to serve the best interests of those residents 116

115. Ibid., 262. Public funds were kept in a special chest and each of the two administrators kept a key. No funds were to be taken from the chest without the consent of both officials. In the cabildo minutes of October 31, 1597, it is noted that 19,000 pesos were taken from the city chest to be used in the reception of the new viceroy. Sometimes the money was used as alms, and for other good purposes. See Actas de Cabildo, XIII, 66.

116. Actas de Cabildo, IX, 108. Contractors in Vera Cruz were legally permitted to sell mutton and beef by sight, and not by weight, "in order that many inconveniences may be avoided." Possibly this was because weighing facilities were lacking in Vera Cruz. The sources make no mention of weight inspectors in Vera Cruz at this time. The distance factor made it inconvenient for weight inspectors to travel from the capital city to Vera Cruz.

The town councilmen and other officials in Mexico City appointed Gerónimo López to supervise the construction of the slaughterhouse in Vera Cruz. He was to buy the ground and pay for it, which was valued at 200 pesos. The title and bill of sale were to be deposited in the archives of Mexico City. The building was to be constructed and equipped according to regulations. The cabildo required that a little porch for tables should be built where mutton and beef could be weighed for the public. It was to be built from the public rents of the city, "and for this shall be set aside 400 pesos, delivered as follows: 200 pesos to Alonzo Fernandez de Flandes, the chief workman, and 200 to the seller of the land.¹¹⁷ And the chief workman shall do the work."

Not only were new slaughterhouses and meat markets built to supply the ever increasing demand, but those establishments already existing were improved and refurnished. New equipment and elaborate furnishings were installed in the slaughterhouse in Mexico City. On September 14, 1598, the cabildo "ordered that a rug from Alcaraz and a French chair be bought for the meat market," to be put in the office of the deputy. "And the majordomo shall buy them from the public funds,¹¹⁸ with the assistance of Francisco Rodriguez"

117. Actas de Cabildo, XII, 268.

118. Actas de Cabildo, XIII, 230.

By 1584 slaughterhouses and meat markets were founded in many centers other than important places like the capital city and Vera Cruz. The meat supply was furnished by meat contractors in the following towns: Puebla de Tacuba, Cuyoacán, Sutzimilco, Tlalm¹¹⁹analco, Tezcucó, Cuernavaca, Oquituco, Otumba, Teapulco, Tulantzingo, Coactitlán, Tula, Yxmiquilpa, Huichiapa, Ayacuba, Octucpa, Toluca, Metepeque, Tenango, Tepeaca, Tlascala, Cholula, Tecomachalco, Guexocingo, Tuspa, Zapotlán, Davalos, Xacona, Zempuala, Hucitenango, Ocopetlayuca, Yzucar, Ulapa, Sinacantepeque, Querétaro, Pazquaro, and in many other Spanish villages. Justices were named in each place to enforce all laws pertaining to the slaughter industry; they were to punish transgressors according to the law. Justices were not allowed to engage in the meat business for themselves, nor for their wives, children, nor any interested person, under penalty of loss of their offices and dis-¹²⁰qualification to serve in any other public capacity.

In analyzing the importance of the problem of food production in New Spain one cannot escape noticing how modern many of the sanitary provisions were. Modern electric refrigeration obviously was unknown. But pro-

119. A town made famous as a stock-raising center by the Conqueror, Cortés.

120. Beleña, Recop., I, 24. Decree of January 27, 1584.

vision that slaughterhouses were to be located on the outskirts of the city, away from the residential or business sections is a decidedly modern regulation; that slaughtered animals should be bled well and kept in clean places until the meat reached the consumer became commonly accepted practices among the settlers of New Spain. Conditions in the Spanish colonies with respect to slaughterhouses and the production of food were in direct contrast to the horrible conditions that existed in England and in the English colonies; the disgusting scenes of shamble life that long disgraced England and her colonies in America were unknown in New Spain. The time element too must be considered: the Spanish settlers preceded their English rivals by a century in the colonization of the New World. In matters of careful business planning, and stringent regulations concerning methods of dealing, kind and quality of goods, and prices, the Spaniards were far ahead of the English.

CHAPTER IX. SHEEP TAXES

To the flock masters, butchers, meat contractors, and all other persons who engaged in any way in sheep-raising and the production of wool, the flocks were a means of livelihood; and similarly to the Spanish government, they represented a legitimate object of taxation, and often of unfair exploitation and ruthless extortion. This was true not only in the parent country, but in the whole Spanish empire. The home government looked to the colonies as a source of revenue, and many different kinds of taxes were levied. Sheep owners in the colonies were compelled to bear the burden of heavy taxation.

The most important sheep taxes in Spain have already been alluded to.¹ Among the more common taxes on migratory sheep in Castile in the Middle Ages were the montazgo and the portazgo; although these terms originally pertained to local fines and tolls, by 1273 they had come to be applied to almost any toll upon the migratory herds.² Other common sheep taxes were: the diezmos, or tithes collected of the transhumantes for the benefit of the church;³ the cruzada to be added to the fund for the crusade against the infidel;⁴ the

1. See above, p. 37.

2. Klein, 164-165. The rate of collection of tolls is given by Klein on p. 172.

3. Ibid., 240.

4. Ibid., 241. Stray animals, or mostrencos,

almojarifazgo was an import and export tax on sheep⁵ levied by the Moorish kings, at the gates of towns; the alcabala was a sales tax on sheep, which became one of the principal sources of royal revenue;⁶ the ancient royal claim to mostrencos or lost sheep,⁷ was another device for raising funds. The Spanish government in its attempt to regain revenues that had been dissipated resorted to all these forms of taxation; all possible resources were tapped, and by no means the least of the potential incomes were the taxes derived from the migratory pastoral industry. Obviously the livestock owners did not bear the whole tax burden; these taxes were levied on other things as well.

Spain looked upon her vast colonial empire from the point of view of revenue returns as a measure of success. From the first, taxation in the Indies was not light, but it was mild compared with that endured by the people living on the Spanish peninsula. For the most part, taxes that had been levied in the parent country were extended to the new lands.⁸ By 1522

were turned over to this fund.

5. Ibid., 255.

6. Ibid., 257.

7. Ibid., 276.

8. The general subject of Spanish colonial taxation has been treated by C. H. Haring, "The Early Spanish Colonial Exchequer," American Historical Review, XXIII, 779-796. Cf. C. H. Haring, "Ledgers of the Royal Treasures in Spanish America in the Sixteenth Century," Hispanic American Historical Review, II, 173-187.

Spain had set up the machinery to take care of real hacienda in New Spain, and the first royal officials were appointed on October 15 of that year. These officials were: a royal treasurer, contador, factor, veedor, and assessor. They arrived early in 1524, and supplanted the appointees of Cortés who had been receiving royal revenue from the natives for the emperor. ⁹

Particularly after 1550, in New Spain one of the most lucrative sources of wealth was in the mines, but in the early days the Spanish monarch foresaw that livestock would afford substantial royal revenue. In 1527, Charles V declared "I wish to be informed of the things, herds, haciendas, and profits which we have in this land, of the quality and value of each thing, and at what it can be rented" ¹⁰ The principal royal revenues were derived from the Spanish caballeros who worked the silver mines, cultivated the mulberry tree and produced silk, and pastured sheep in the fields. Viceroy Mendoza believed that these things promised a ¹¹ continued and greater royal income from New Spain.

9. A. S. Aiton, "Real Hacienda in New Spain under the First Viceroy," Hispanic American Historical Review, VI, 233. The duties of these officials are here discussed. On November 2, 1549, the offices of veedor and factor were merged. See note 4. Cf. Aiton, 71, note 4. On pp. 235-236, Professor Aiton describes the most important sources of royal revenue in New Spain. Cf. Aiton, 70-71.

10. Puga, Cedulario, I, 35-36.

11. Aiton, 87.

One of the most important taxes levied in New Spain was the excise tax on mutton and beef to raise funds for the construction and maintenance of the public water system of Mexico City. Chapultepec was the source of the water supply, and even in the days of Montezuma a rudely constructed aqueduct carried water from the mountain spring in that vicinity to the heart of the capital city.¹² This early water system constructed by the natives is described by Cortés in his second letter to Charles V:

Along one of the causeways which lead to the city, there are two conduits of masonry each two paces broad, and five feet deep, through one of which a volume of very good fresh water, the bulk of a man's body, flows into the heart of the city, from which all supply themselves, and drink. The other which is empty brings the water, when they wish to clean the first conduit, for, while one is being cleaned, the water flows through the other.¹³

A form of taxation was then adopted by the Indians, but such taxes were not on sheep, unless they had acquired some from the Spaniards. Cortés goes on to discuss this system of taxation in his letter to the emperor:

At the different entrances to the city ... there are guards in huts to collect a certum quid of everything that comes in. I do not know whether this goes to the sovereign, or to the city, because up until now I have not been able to ascertain, but I believe it is

12. Bancroft, History of Mexico, I, 276-277.

13. MacNutt, Letters of Cortés, I, 262. Cf. Folsom, The Despatches of Hernando Cortés, 118. See also Bancroft, History of Mexico, II, 15, note 36.

for the sovereign, for, in other market places of other provinces, that contribution has been seen to be paid to the ruler. 14

The numerous fountains which adorned the city were fed by the aqueduct, as were tanks, ponds, and baths. A vigilant police watched over the distribution of the water and the care of the pipes. ¹⁵ The inhabitants paid a fixed price for their water supply.

After the conquest Cortés and his followers were faced with the problem of reconstruction and the rebuilding of the capital city. One of the first measures taken was the restoration and improvement of this aqueduct, which originally was constructed by the Aztecs. The initial cost of rebuilding the aqueduct was appor-

14. Ibid., 263.

15. H. H. Bancroft, The Native Races of the Pacific States, 5 vols., New York, 1874, II, 565. The water flowed part of the way through open canals, and the rest of the way in large pipes. The canals proved objectionable from dust and refuse, and portions of them were ordered to be covered; on August 26, 1523 Juan Garrido was hired at a salary of 50 pesos de oro to watch over them, additional men being appointed as the need became apparent. Part of the beautiful grove of Chapultepec was actually cut down to prevent leaves from falling into the spring and open canal. The aqueduct extended to the first houses on the Tacuba side of the city, and it was proposed in 1527 to repair the aqueducts of Coyuhuacán or Huichilobusco, and extend them to the southern suburb. This appeared too costly, and efforts were made to extend the Chapultepec aqueduct to the center of the city. Nothing appears to have been done, however, for the procuradores in Spain demanded special legislation, and by order of September 22, 1530, the extension to the main plaza was decreed, the cost being apportioned among Spanish and native settlers.

tioned among Spanish and native settlers in the city. But, thereafter, one of the major problems of the cabildo was the maintenance and extension of the public water system. Cabildo records from the middle of the century on indicate that the excise tax on mutton and beef was the main source of income used to cover the cost of maintaining the water supply. In 1553 the cabildo petitioned the viceroy to consent to an excise tax on mutton and beef for "the taking of water from Chapultepec to this city, in the public square and streets." The tax was to be a maravedí on each arrelde of meat.¹⁶

The viceroy gave his consent to the tax and on April 20, 1554,

... it was ordered by the royal audiencia that the excise be levied on meats in the slaughterhouse for the work, repair, and taking to this city the water which comes from Chapultepec ... and to divide the use of it, by another order which is given by our illustrious viceroy Don Luis de Velasco. And if said excise is a loss and injury to this city and to the public, they (the cabildo members) agreed that the said royal audiencia should be supplicated to make provision for and to comfort the cases of said injury. 17

The cabildo appointed Gonzalo Ruyz, regidor and procurador of the city to investigate any complaints against this sort of tax. Any person who objected to this tax was required to give his reasons for doing so to this

16. Actas de Cabildo, VI, 29. Minutes of February 22, 1554.

17. Ibid., 133.

official.

On February 26, 1554, the cabildo provided that the excise tax on mutton and beef should begin on Ash-Wednesday and continue through the year. Careful accounts of the tax were to be kept, and it was not to "be wasted, nor distributed for any other thing except in said use as His Lordship commands." In order to prevent frauds and "that no one can have gain," the cabildo provided that the inspector of weights in the slaughter-houses should note down in a book the weight of each sale, each page to be attested by the deputies of the city. At the end of each month the deputies were to see what each account amounted to, and leave all accounts "in charge of the majordomo of this city, in order that he may collect from the persons in his charge, for which he is given the power."¹⁸

Gonzalo Ruyz, the regidor, who had been appointed to investigate complaints concerning the excise tax, found many public grievances against the tax. Thereupon all the regidores of the city were summoned and, with the advice of the lawyer of the city, were to provide whatever was necessary.¹⁹ It was decided, however, in this meeting to continue the excise tax on meats, be-

18. Ibid., 130.

19. Ibid., 133. The people doubtless believed that necessities should not be taxed. A levy on luxuries later did not cause serious public objection.

cause "it was necessary to the welfare of this city and public to repair the canal, and obtain said water" 20
Eventually public complaints became so serious that the officials thought it expedient to lower the tax on mutton and beef, and

it appearing to be of less vexation and greater utility they put it on wine which is sold in small quantities in the taverns of this city; the proceeds are to be used to bring and put water in this city, in the squares and streets ... and it shall be put in all the water mains and buildings necessary ... and the water pipes must continually be repaired 21

The rate of the excise tax on mutton and beef varied from time to time depending on the amount of money needed to maintain or expand the water system. When the water was extended to new parts of the city and new water mains and pipes had to be laid, the tax rate obviously was higher. No consistent policy was followed in the manner of levying the tax: at times the tax was levied on each arrelde of mutton sold; at other times, it was levied on the whole sheep; often it was assessed on the pound. On August 23, 1555, the members of the cabildo declared

that weights for beef shall be made in such a manner that for an arrelde shall be paid 5 maravedís - 4 for the contractor, and one for the excise ... on each arrelde of mutton or beef shall be paid one maravedí for the excise tax, in accordance with the decree of the royal

20. Ibid., 134.

21. Actas de Cabildo, IX, 280. The people complained more about the tax on mutton and beef than about that on wine.

22

audiencia

The cabildo appointed Gerónimo Ruyz de la Mota, alcalde ordinario, and Gonzalo Ruyz, regidor, to take charge of accounts of the excise tax on mutton and beef for the year 1555.

23

In 1559 the rate of excise tax on mutton was changed and was assessed on the whole sheep rather than on the arrelde of mutton. On April 7 the cabildo provided that "it shall be lowered for this year to 4 maravedís on each sheep. ... Later it shall be 12 maravedís on each sheep which is killed in the slaughterhouse, for the work on said fountain."

24

In 1564 the rate was one real on 22-1/2 pounds of mutton or beef; in 1565, it was one real on 30 pounds "because with more brevity said water is taken to this city, at less cost."

25

At a later time the assessment was "a cuartillo for each head of cattle and a maravedí for each sheep." There came times when the treasury had more funds than were needed, and the excise tax was temporarily discontinued. On August 26, 1588, the accounts were in good condition and there was a balance in the treasury; the cabildo de-

26

22. Actas de Cabildo, VI, 180-181.

23. Ibid., 182. Gerónimo Ruyz de la Mota had served four times as alcalde de mesta prior to 1555. See Appendix B.

24. Ibid., 353.

25. Actas de Cabildo, VII, 242.

26. Ibid., 392.

cided that "inasmuch as the accounts up till now have been received and closed, it appears not to be reasonable to collect the excise tax on meat" ²⁷ After temporary suspension the excise was again levied.

The people fully appreciated the city water system and insisted that it should be extended and improved; in 1562, "due to the great injury because it had not been done, all residents, Spaniards as well as Indians should present their opinion to the illustrious viceroy Don Luis de Velasco." ²⁸ By June 2, 1563, the source of the water system at Chapultepec became so contaminated that it was considered unfit for human consumption, and the lack of fresh water for the public became a serious problem to the members of the cabildo. The problem was solved by finding another source of water in Santa Fe, a place near the capital city. The cabildo minutes for June 2, 1563 are as follows:

Because of the lack of water in this city and consequent sickness and damage to the people by not having the quantity of water needed, it is necessary that water be taken to this city from Santa Fe, because the supply from Chapultepec is dangerous and causes much sickness in the city ... it is necessary that the excise tax should be put on meat to pay for this new supply. In order to put this into effect they commissioned alcalde Bernardino de Albornoz, the regidor and procurador mayor of this city to appear with the lawyers and supplicate the royal audiencia, in the name of this city, to put said excise on said meat ²⁹

27. Actas de Cabildo, IX, 290.

28. Actas de Cabildo, VII, 49.

29. Ibid., 125. An excise was also levied on

In order to insure a steady supply of pure water for the city the cabildo appointed Martin Sanchez to the office of water inspector. He was to "guard the water supply from Santa Fe and Chapultepec" by making regular tests to ascertain whether or not it was impure. He was chosen for a term of one year, at a salary of 100 pesos. The salary was to be paid "from the proceeds of the excise tax of this city," and "shall be certified by Antonio de Carbajal, regidor and obrero ³⁰ mayor"

The collection of the excise tax devolved upon the inspector of mutton. On May 5, 1565, the cabildo ordered Diego Osorio, mutton inspector, to collect the excise tax each week; the contractors were to pay it to him every Thursday. Some contractors, however, sold many sheep on foot in order to escape the excise tax by fraudulent methods. The cabildo, thereupon provided that "said Osorio should not permit any sheep to be sold on foot, but dead; and if some should be sold alive, he shall weigh them and take out enough to pay the excise tax on them." He then placed the penalty ³¹ upon the mutton contractor. The excise tax collector served for one year, at a salary of 200 pesos

wine to help pay for the water supply from Santa Fe. See Paso y Troncoso, XII, 103.

30. Actas de Cabildo, VIII, 397. Cf. p. 416.

31. Actas de Cabildo, VII, 247.

de oro común. ³² Collectors who were re-elected to the office usually received the same salary as of the previous year. ³³

In 1563, Pedro de Ledesma, in a letter to Philip II concerning things necessary in New Spain to the welfare of the country and for the increase of real hacienda, suggested that much land in the colony should be irrigated at public expense, partially from the excise tax. He believed that cattle and sheep should be put on the irrigated land "in order to provide a permanent meat supply for this city and its commerce." The quantity of mutton consumed each year was enormous, and the demand for the pelts in Spain was great. ³⁴ Irrigation of arid regions was not begun on any appreciable scale until a later time.

In Lima, in accordance with a decree of the royal audiencia, an excise tax was levied on all kinds of meat sold in the slaughterhouses and meat markets. The proceeds of this tax were used in the building and maintenance of the city water system, the cabildo expedited ³⁵ all matters pertaining to the water supply.

Besides the excise tax on mutton and beef many

32. Actas de Cabildo, VIII, 535. Cf. p. 613.

33. Actas de Cabildo, VII, 515. Minutes of June 1, 1571.

34. Paso y Troncoso, IX, 217.

35. Libros de Cabildos de Lima, VI, part 2, 338. Minutes of the cabildo of June 25, 1565.

other taxes were levied on sheep and wool. Sheep taxes in Spain were transferred to the New World. Herdsmen and flock masters in the Indies were compelled to pay the almojarifazgo, the alcabala, and tithes; the natives were required to pay tribute; stray animals were applied to the treasure of His Majesty; the goods of intestates (bienes de difuntos) were added to the royal coffers; other taxes in fines and penalties also went to the royal treasury. All these taxes had been levied on the flocks in Spain, and stock-raisers in New Spain were compelled to pay them.

It is well now to consider each of these taxes and see how they were applied to sheep of New Spain. The Spanish government constantly looked to the new colony as a source of revenue, and the herdsmen and flock masters bore their share of the tax burden; they contributed heavily and in various forms.

36. The quinto, or royal fifth, was not levied on sheep. During the early years of the colony the quinto was the most lucrative source of the money drawn by the Spanish kings from their American possessions. Theoretically it applied to all minerals, but it was never collected on any but gold, silver, mercury, and precious stones. Haring, "The Early Spanish Colonial Exchequer," American Historical Review, XXIII, 782; Haring, "Ledgers of the Royal Treasurers in Spanish America in the Sixteenth Century," Hispanic American Historical Review, II, 174; Aiton, "Real Hacienda in New Spain under the First Viceroy," Hispanic American Historical Review, VI, 235. Cf. Bancroft, History of Mexico, III, 656. The quinto was not always the fifth of the minerals; for the different values, see Mechem, Francisco de Ibarra y Nueva Vizcaya, 211.

One of the most important taxes levied on wool both in Spain and in New Spain was the almojarifazgo. In Spain, it was an import and export tax levied by the Moorish kings at the gates of towns. The right to collect this import was bestowed on cities by the sovereigns, but it served as one means of royal assessments upon migratory flocks.³⁷ The usual rates in Spain were five percent on imports and two and one-half percent on exports.³⁸

In New Spain the almojarifazgo, or custom duty, was charged on all merchandise entering or leaving the ports of the colony. It was collected as early as 1522. The duty first charged upon imported articles was seven and a half percent.³⁹ Royal treasurers who were sent to the colony were given special orders to collect the almojarifazgo on imported goods.⁴⁰ Some merchants and traders objected to this tax and tried to avoid paying it. A cedula of October 15, 1532, decreed by Charles V, provided that the tax must be paid:

Know that I have been informed that some persons sell merchandise and products of the soil, intending to defraud the almojarifazgo and other laws. ... I command that ... said frauds shall cease and not be done hence-

37. Klein, 255; Teatro de la legislación, XIX, 29-30.

38. Ibid., 424.

39. Puga, Cedulario, I, 79. Cf. Paso y Troncoso, I, 35-36.

40. Fonseca y Urrutia, Historia general de real hacienda, V, 7.

forth in a manner in which our rents shall diminish 41

The duty on woolens entering or leaving the colonial ports was the same as that on linens, silk, or cotton. This privilege was conceded by the following royal decree:

And in order that this product of fine and coarse wool ... and the hemp and cleaned linen, and woollen goods should be taken to Spain as prime materials very useful to national commerce and manufacturing, I concede them all the same liberty of laws in their going out and entering the ports, which already the cotton of my dominions in America enjoys. 42

The rate of the almojarifazgo varied, depending on time, place, and changing conditions. When the royal treasury was nearly exhausted it was doubtless raised. From the middle of the sixteenth century on it was fixed at two and a half, three, five, seven, and fifteen percent, according to the quality of the goods and the place where they were shipped. In 1566, Philip II confirmed former royal cédulas, and made the impost on merchandise imported from Spain ten percent on the market value in New Spain. Two and a half percent was ordered to be paid on exports, ad valorem, at place of shipment. On reshipments of Spanish goods to other parts of America, no duty was charged, but if they were again similarly reshipped, five percent had to be paid upon the dif-

41. Puga, Cedulario, I, 275.

42. Recop., lib. iv, tit. xviii, ley ii.

ference between their market value in Spain and at the place of destination;⁴³ this duty was on woolens, silk, grains, sugar, and vegetables. All duties were payable only in specie.

Although Vera Cruz was the most important commercial port in New Spain, it was not considered a favorable location; the harbor there was not so good as other places along the eastern coastline, and after 1524 efforts were made to discover a safer port than Vera Cruz.⁴⁴ Shipping facilities in the port of Vera Cruz were inadequate, and on March 10, 1561, Doctor Pedro de Santander, complaining of the grievances and persecutions which he had suffered in undertaking the office of veedor in that port, demonstrated the necessity of having a branch of the Casa de Contratación there: "the real hacienda is defrauded and ... in the giving of grain, cow-hides, sugar, and wool is there great fraud because the quantity is great." Santander adds, in his letter to the king:

... Don Luis de Velasco provided that one percent⁴⁵ be paid not only on what entered, but what went out to Campeche and other parts of our realm ... and until today there has not been made in the port an exporting house,

43. Teatro de la legislación, III, 406. Law of Philip II, November 1, 1591. Cf. Humboldt, Political Essay on the Kingdom of New Spain, IV, 93.

44. Humboldt, Political Essay on the Kingdom of New Spain, IV, 27.

45. Presumably to raise funds to provide better harbor facilities at Vera Cruz.

and that which is made is so small that it is little more than a platform which viceroy Antonio de Mendoza made. 46

Santander suggested that the duty on wool and other income from sheep should be used to make needed repairs and improvements in the port. The ships and their cargoes needed shelter, and with new facilities they could be loaded and unloaded with greater dispatch. Thieves and robbers would be discouraged in their evil practices around the port. He further suggested that a part of the money should be spent on the construction of canals in the city, contending that "it would be a great benefit in the land because it would be another Venice."

Another source of royal revenue, equally as lucrative as the almojarifazgo, was the alcabala, a characteristic Castilian tax. In Spain it was ten percent, or⁴⁷ more of the value of all sales and exchanges. In 1495 a decree was issued exempting Mesta members from payment of the alcabala in Spain; this measure encouraged⁴⁸ the marketing of pastoral products. Prior to 1495 this sales tax had been levied on woolens in Spain; it had been one of the principal sources, not only of royal income, but also of Castilian misery and economic con-

46. Paso y Troncoso, IX, 129.

47. Haring, "The Early Spanish Colonial Exchequer," American Historical Review, XXIII, 786.

48. Klein, 44.

fusion.

The alcabala was not introduced into the Indies till toward the close of the sixteenth century. As early as 1503, Ferdinand and Isabella ordered Governor Ovando to report on the ability of the settlers of Hispaniola to pay this tax, but no further action was taken. Newly founded colonies were exempted from the alcabala, and New Spain enjoyed the benefits of this promotion scheme immediately after the Conquest. When the first viceroy, Antonio de Mendoza, went out in 1535, he was instructed to collect the alcabala from the colonists to aid the emperor in his war against the Turks. In 1558, extension of the tax to New Spain was decreed. However, none of these instructions or decrees ever went into effect. The tax was finally introduced into New Spain in 1574, and into Guatemala a year later.⁴⁹

The establishment of the alcabala in New Spain was a very unpopular measure, and the government was severely criticized by the merchants who had been exempt from it.⁵⁰ By a cédula of September 23, 1588, the tax was imposed upon the Indians who were compelled to pay the alcabala on fruits, produce, and merchandise

49. Haring, "The Early Spanish Colonial Exchequer," American Historical Review, XXIII, 786. Cf. Bancroft, History of Mexico, II, 658.

50. Bancroft, History of Mexico, II, 683 note 48.

of the country.

The superintendents and overseers in charge of the wool mills were prone to seek ways to avoid the payment of alcabala.

Because experience has shown the great frauds which have been committed in the wool mills against the alcabala, and in order that in some manner they shall cease henceforth, I ordain and command that within the third day of the publication of these ordinances each superintendent shall have a bound book which he shall manifest before the justice or judge, and from its manifestation, he shall give the scribe faith in his principle; and he shall sign and seal the pages and tell the number of them; and in it shall be noted down all the fabrics which the weavers of the wool mill should waste, declaring without pretense the kind of cloth, under penalty of 1000 ducats to the chamber of His Majesty if he should change the quality of said cloth, and should declare one kind for another, or should omit noting down any of the fabrics which he made, or which should be destroyed in his wool mill; he shall note it all down, with day, month and year. 52

This book was to be delivered to the contador of alcabalas at any time he should desire to take account of the amount the owner of the wool mill should owe. Superintendents of wool mills who failed to comply with these regulations, besides the penalty of 1000 ducats, were suspended from their offices for a period of four

51. Fonseca y Urrutia, Historia general de real hacienda, III, 176. Cf. Bancroft, History of Mexico, II, 659, note 29. Helen Philipps is in error in Some Aspects of the Agrarian Question in Mexico, 25-26, where she contends: "The natives were also to be protected from indirect impoverishment: they were to be exempt from the alcabala, or tax on sales, from tithes, alms, and parochial fees. The tribute, or capitation tax, was to be their only obligation and it was to be a definite and moderate sum."

52. Beleña, I, 88-89, cap. 29.

years, and were compelled to pay 200 pesos to the judge and person who brought suit.

The alcabala was paid both on the herds and flocks and on wool and woolen goods. It was computed in various ways; usually it was a lump sum, depending on the size of the flock and the number of ewes in it. The law provided that

... during the shearing, in order to avoid extortions and to facilitate its preparation, there shall be fixed on each flock an adjusted lump sum, regulating it by the number of ewes, reduced to 60 reals for each thousand head which it contains 53

In another instance the rate of the alcabala was a fixed percent of the price of the sale: "Of all kinds of herds, single hoofed and cloven-footed shall be exacted 4 per-⁵⁴ cent of the price of its sale." Herds and flocks of members of the Council of the Mesta could not be seized⁵⁵ for debt.

The alcabala was also paid on woolens shipped anywhere in the Spanish empire. Woolens bound for Spain from the Indies usually were taken through the port of Seville. The law provided that "woolens which go by sea to be sold in Seville or any town whatever of the archbishopric or bishopric of Cadiz, before they arrive in Seville, the alcabala shall be charged the wool mer-

53. Teatro de la legislación, III, 57.

54. Ibid., 56.

55. Teatro de la legislación, XXIV, 72.

chants." 56

The wool merchants were required by law to keep complete and accurate accounts of all the wool they handled. They were to register, stamp, and bind the wool; they were compelled by law to weigh it, to note down its quality, and the date on which they received it. The merchants purchased wool four times a year, every three months. The inspector of weights saw that weights of woolens were accurate. On the basis of these weights, a collector was charged with the collection of the alcabala. The tax was to be paid at the place where the wool was registered. These regulations had to be kept to the letter, under heavy penalties. 57

Another source of royal income peculiar to the Indies was the tribute of the natives. It was an annual payment owed to the king, or to Spanish encomenderos to whom the crown granted the privilege of enjoying this income; it was a per capita tax, that is to say, a fixed sum paid by all adult Indian males regardless of his property or other resources; instead of payment in money, contributions could be made in kind, or by labor

56. Teatro de la legislación, III, 3. Cf. Recop., lib. ix, tit. xvii, ley vi.

57. Ibid., 34. Cf. Recop., lib. ix, tit. xix, ley xxvii. Cf. Vol. III, 7; Recop., lib. ix, tit. xvii, ley xvii.

which was employed on public works projects, and on the plantations and estancias. The amount paid varied in different districts, depending on the quality of the soil; the land was appraised by corregidores or sworn commissioners.⁵⁸ At first the amount of tribute paid by the natives was the same as that paid voluntarily by Montezuma to Charles V in token of his recognition of him as his sovereign; this amount was one third of all produce, or an equivalent wholly or in part of the precious metals; this tribute was too oppressive and reductions and exemptions were repeatedly made after 1550. The Indians were to pay tribute directly to royal officials to be added to the royal treasury, or to encomenderos who were to enjoy a part of the tribute and turn the balance over to the royal coffers. Many encomenderos, however, exacted higher tributes than that at which the land was assessed, and on May 30, 1535,⁵⁹ the king ordered the viceroy to forbid such abuses. In 1537, Mendoza wrote to the king concerning the neglect in compelling the encomenderos to turn the tribute over to the royal treasury, and declared his intentions to enforce the payment. By 1569 there were in New Spain 155 alcaldes mayores, the tribute of which to the crown

58. Haring, "The Early Spanish Colonial Exchequer," American Historical Review, XXIII, 783; Bancroft, History of Mexico, III, 657.

59. Bancroft, History of Mexico, III, 657, note 19.

alone amounted in 1570 to 326,403 pesos; and in the following year that of the crown pueblos produced 83,553 pesos, besides 37,776 fanegas of maize, and a large number of loads of cochineal, cacao, wheat, fish, honey, cotton and woolen clothing, and poultry.⁶⁰

This produce was sold at auction in the respective towns before an oidor and a fiscal of the audiencia. Tribute from the Indians soon yielded a greater income for the king than did the quinto.⁶¹

As early as 1552 the law was very specific as to the quality, number, and kind of goods on which the Indians were to pay tribute.

Assessments shall be clear, distinct, and without generality, specifying all that on which the Indians shall pay tribute: clothes, woolen blankets, cotton, undershirts, table cloths, and elaborate bedding. ... All that is necessary we command to be put in the assessments, remedying in each province what is troublesome. ⁶²

All Indian tributes in woolen blankets, maize, and other things "shall be commuted to a certain amount of gold or silver each year in such a manner that redounds more in our service and in the increase of our rents" ⁶³

Tributes were payable every four months, and were collected usually by the fiscal who conducted suits con-

60. Fonseca y Urrutia, Historia general de real hacienda, I, 416.

61. Altamira y Crevea, Historia de España y de la civilización Española, III, 281.

62. Recop., lib. vi, tit. v, ley xxii.

63. D.I.U., X, 247.

cerning them. The amount of woolen goods paid per year and their quality and prices can be ascertained by considering the testimony of a few witnesses in one of these law suits:

For five years in this place ... the Indians have paid in tribute thirty-six woolen tapestries each year, which are for the whole five years one-hundred, eighty woolens, valued at 5 pesos each, amounting to 900 pesos de oro común.

Another witness, Gómez de Espinosa, said that he knew that in two years in that place the Indians paid as tribute three woolen tapestries which were taken to the city and valued at 4 pesos each, to which they were obligated in the assessment.⁶⁴

No wool manufacturer, nor his majordomo, nor any other official was permitted to force the Indians to pay delinquent tributes without a fair trial. Any unnecessary pressure or abuse of the natives in this manner made the offender liable to a "penalty of 20 pesos for each time they should do it"⁶⁵ Tributes were to be fair in all cases and were based on ability to pay from "the herds, maize and silk which they breed and raise; and it would be just that they should pay⁶⁶ tribute in respect to their haciendas and means."

Another lucrative source of revenue intended mainly

64. Paso y Troncoso, IX, 68. The case of Pedro de Fuentes vs. the fiscal, in the town of Metatepeque, 1560.

65. Beleña, I, 85.

66. Cartas de Indias, 307.

for the benefit of the church, but partly going to the royal treasury, was the tithe, or diezmos. The herds-
men and flock masters were compelled by law to bear
this added burden of taxation. The tithe has been de-
fined as follows: "The word tithe (diezmos) is under-
stood to be the tenth part ⁶⁷ of the fruits which are
provided from the fields, pastures, vineyards, trees
and animals." ⁶⁸ The tithe was to be a tenth of the
total amount of one's produce from the land, either in
plants or in livestock, without taking out provisions
for his own daily use for himself and his family. ⁶⁹
Gold and silver bullion, from which the quinto was de-
ducted for the king, was not subject to this second
tax; the tithe was not exacted from the wages of man's
industry and labor, despite the fact that the clergy in
some regions tried hard to introduce it. ⁷⁰

By a bull of December 16, 1501, Alexander VI, in
response to numerous petitions for funds for the church,
and in view of future expenses to be incurred in the
erection and endowment of cathedrals and other sacred
edifices, granted to the Kings of Spain the right to
collect ecclesiastical tithes in the Indies. At first

67. But it was not always the tenth. See Klein,
240.

68. Teatro de la legislación, XI, 1.

69. Ibid., 20.

70. Haring, "The Early Spanish Colonial Exchequer,"
American Historical Review, XXIII, 784.

these tithes were used for their intended purpose, but as the church spread throughout New Spain the crown saw that no small amount of revenue could be added to the royal treasury from this source; all tithes over and above the needs of the ecclesiastics went to the crown. Since the tax was on necessities of life such as grain, fruits, cotton, silk, flax, vegetables, sheep and cattle the economic pressure of the church was oppressive and prejudicial to the welfare of a struggling agricultural society.

One of the most perplexing problems of the clergy and of civil authorities throughout the sixteenth century was whether or not the natives should pay tithes in addition to their tribute. Although Ferdinand and Isabella, in 1501, directed the governor of Hispaniola, Nicolas de Ovando to assess the Indians, in most parts of the new lands the natives were exempt from the tithe from the first. In 1537 Viceroy Mendoza was directed to impose the tithe upon the natives of New Spain on wheat, barley, silk, and cattle. Attempts to extend this rule elsewhere failed, and the decree was repealed in 1555.

In general, it may be said that the natives

71. Aiton, 38. Cf. Bancroft, History of Mexico, III, 666-667.

72. Haring, Trade and Navigation between Spain and the Indies, 131.

73. Haring, "The Early Spanish Colonial Exchequer," American Historical Review, XXIII, 784.

were exempt from the tithe.

It is interesting to notice that the herdsmen and flock masters in each bishopric were to contribute their tithes to the support of the church and bishop in their own district, provided they pastured their flocks there during the whole year. And if another bishop should enter the community they owed him another tenth.

And if the owners should pasture for half of the year in one bishopric, and half in another, they shall divide the tenth for both the bishoprics; but if the herd should move about through many bishoprics in a manner in which they could not know certainly in which bishopric the herds should be assessed ... in order to keep from restraining them, we command the owners of the sheep to give half of the tithe to that bishopric where the sheep are pasturing, ⁷⁵ and the other half to the churches which are parochial.

The cédula provided further that

if it should happen that the herd, having passed to some other location, should bear other sheep, from them they cannot take a tenth unless they had made their home there at least a month. ... It is understood that all this said above must be done in a manner that will not make the shepherds of evil intent, nor cause misapprehension to the bishops ⁷⁶

The tithe was to be paid to the bishopric in the limits of which the herds and flocks were pasturing, even if they were near the boundaries of another bishopric. ⁷⁷ By decree of Charles V, 1541, it was provided

⁷⁴. Phipps, Some Aspects of the Agrarian Question in Mexico, 48.

⁷⁵. This probably means where they were grazing at the time the tenth was collected. See D.I.U., XX, 194. Cf. p. 182.

⁷⁶. Puga, Cedulario, I, 426-427.

⁷⁷. Recop., lib. I, tit. xvi, ley vii.

that the tenth of the cattle, sheep, horses, mares, mules, and colts, should be paid in the field where the residents and owners take their herds at the time they make a roundup of them, and said residents and owners shall not be obligated to take them to any other part. 78

Despite the fact that there was considerable reluctance to force the Indians to pay both tribute and the tithe, the crown decreed that they must pay the tithe on certain kinds of property. This tax was levied on the herds and flocks in 1544, but was repealed in 1555. 79

The decree of Charles V, in 1544, is as follows:

... the said viceroy, on petition of said bishops, supplicated me to command the Indians to pay a tenth, as Christians, of the things which appear to our said viceroy they ought to pay, because the churches of said New Spain have need, and the Indians should get spiritual benefit as well as do mercy to me. We ask and command that henceforth the Indians of said New Spain pay a tenth of their flocks, silk, and wheat. ... We command that our president and oidores of our audiencia and of the royal chancillería of said land and any other justices whatsoever shall guard and comply with this cédula. 80

Machinery was provided to enforce the payment of the tithe and pressure was brought upon tithers through the clergy.

We order the confessors of our archbishopric and province to take much care and vigilance to induce and exhort the penitent to pay said tenth, declaring and manifesting the danger which is incurred in not so doing ... and they shall not be absolved until they have paid as they ought to have done.

Also, because some persons, with little fear of

78. Ibid., ley viii.

79. Haring, "The Early Spanish Colonial Exchequer," American Historical Review, XXIII, 784.

80. Puga, Cedulario, I, 459. Cf. Vol. II, 256. Cf. Paso y Troncoso, X, 18.

God and much desecration for the church and its ministers dare to impede said tenth, saying that they do not owe it, and others occupy themselves in making other extortions, we order and command that no person of whatever state, design, religion, or condition, shall dare impede ... nor obstruct the collection of said fruits ... under penalty of communion and other penalties and censures emanating from said apostolic see 81

In June 1539 a royal cédula was passed assigning to the bishops in Tlascala, Oajaca, and Michoacán one fourth of the tithes collected in their respective dioceses, and ordering that if their stipends could not be paid from that source, funds would be drawn from the royal treasury to make good the deficiency. The flock masters and wool manufacturers in these districts paid their tithes directly to the bishops. The bishop of Michoacán received the following woolens: woolen goods valued at 1000 pesos from Gonzalo Gómez; woolens valued at 3900 pesos from encomendero Alvarez de Benavides; from Indians allotted to Juan Pantoja he received
82
woolens worth 600 pesos. The bishop of Tlascala assessed the Indians in encomienda in that district woolen blankets, maize, and hens, valued at 3260
83
pesos; in another instance he exacted from them in

81. Puga, Cedulario, II, 294-295.

82. Paso y Troncoso, IX, 18.

83. Ibid., 2. The bishop of Tlascala in 1537 claimed the tithes on wool, saffron, and silk. The viceroy, however, refused to let him have them, since the yield would be large and should go to the royal coffers. See Bancroft, History of Mexico, III, 667, note 54.

woolen blankets a tithe of 2260 pesos; ⁸⁴ for the marriage of the daughter of Francisco Vázquez de Coronado, he assessed the natives in woolen blankets valued at 4000 pesos; to help finance the marriage of a son of Juan Tello de Medina he exacted from the Indians woolen ⁸⁵ blankets, and hens, valued at 3800 pesos. The bishop of Oajaca in one instance exacted from the Indians woolen ⁸⁶ blankets, maize, and wax, valued at 2000 pesos; on another occasion he assessed the natives woolen blankets, maize, wheat, and vegetables valued at 1050 pesos; on still another he forced them to pay a tithe of 562 pesos ⁸⁷ in woolen blankets and silk. Occasionally a wise and benevolent bishop would contribute a part of his property for some good cause; the most notable example of this generosity is that of Bishop Zumarraga who, in 1543, "gave to the hospital in Mexico City ... herds which he had, and he ordered that they should remain for said hospital" ⁸⁸ Zumarraga was one of the most humanitarian of the bishops in early New Spain. The king frequently devoted to religious purposes that portion of tithes which accrued to himself.

Many of the Spaniards, however, because of greed

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84. Ibid., 7.
 85. Ibid., 10.
 86. Ibid., 7.
 87. Ibid., 10.
 88. D.I.U., XVIII, 64.

and short-sightedness did not fully appreciate the tributes - material things obtained from plants and livestock. They wanted only gold and silver. In a letter to the president of the Council of the Indies, Doctor Moya de Contreras contended that:

Already Your Excellency understands that the principal rent and hacienda which His Majesty has in this land proceeds from the rights and tithes of silver ... and ... if this should cease ... there would not be much gained from tributes in maize, woolen blankets, nor other products, because they are not so highly valued among the Spaniards. 89

The regulation and collection of tithes were not entirely in the hands of the ecclesiastics: the bishops were assisted by the cabildo in the expedition of matters pertaining to the tithe. The cabildo was charged to see that flock masters and herdsmen did not procrastinate in paying the tithe, and that the animals were tithed at the proper age and were properly branded. In the cabildo meeting of September 16, 1546, the councilmen

ordered that the tithe shall be paid in this manner: sheep, hogs, and goats shall be tithed at the age of four months and no more; and those not tithing them at the age of four months shall be obligated to give them later under some penalty 90

The penalties for not giving the tithes when the beasts were four months old were fixed by the cabildo as follows:

... fillys and colts, 2 pesos de oro de minas for each

89. Paso y Troncoso, XI, 172.

90. Actas de Cabildo, V, 151.

one; for each mule, 6 pesos de oro de minas; for each yearling calf, 1 peso de oro de minas; for each lamb not yet a year old, 1 silver real; for each head of goats or kids, 2 silver reals; for each hog, male or female, 2 silver reals; for each burro, 20 pesos de oro de minas. If owners of herds who do not wish to give said tenth in flocks or otherwise ... the collectors shall collect it within six months. And if they (the owners) do not wish to do so, they shall pay for each head half of its value. The officials shall supplicate Antonio de Mendoza ... to confirm said ordinance ... and it shall be publicly proclaimed. 91

The tithes were used for the building and maintenance of churches, for furnishings and adornment in the churches, ⁹² and to pay the members of the clergy. Any surplus sum was added to the royal treasury. Under the pressure of the united interests of church and state, all attempts to avoid the payment of the tithe were frustrated.

Less onerous in general than the tithe, but still another way in which certain herdsmen and flock masters were taxed was the bienes de difuntos, or goods of intestates, and others who died without heirs in the colonies, or on the voyages to and from the colonies. The estates were settled by special royal officials, and the proceeds sent to Spain, where advertisement was made for heirs. Frequently heirs could not be found, or were tardy in asserting their claims, and huge amounts of these goods accumulated at Seville. The

91. Ibid., 27-28.

92. Actas de Cabildo, IX, 39.

crown adopted the policy of "borrowing" from this source, never intending to repay it.

By 1550 the juzgado de bienes de difuntos was created in New Spain from which the crown derived considerable revenue.⁹³ The duties of the juez de difuntos consisted largely in the administration of the funds⁹⁴ and property of persons who died intestate. This property very frequently included cattle, sheep, and other kinds of livestock. Usually two capable persons were named each year by the cabildo to take charge of goods of intestates.⁹⁵ There were exceptions, however, to this rule; on October 8, 1557 the cabildo of Mexico City appointed Antonio de Carbajal as holder of goods of intestates.⁹⁶ Advertisement was made over a period of two years after the death of the intestate; questions, announcements, and public proclamations were made, and every effort was put forth to find legal heirs "... and if it should be found that they lack legitimate heirs ... then the property shall be ceded to the dominion."⁹⁷ Whenever legal heirs were found,

93. Bancroft, History of Mexico, II, 322, note 7. Cf. Aiton, "Real Hacienda in New Spain under the First Viceroy," Hispanic American Historical Review, VI, 236.

94. For an adequate account of this important official see Cunningham, The Audiencia in the Spanish Colonies, 170-178.

95. D.I.A.I., VI, 507.

96. Actas de Cabildo, VI, 304.

97. Solorzano, Política Indiana, VI, cap. V, 454.

the audiencia was to be notified if and when livestock⁹⁸ or other property were turned over to them.

In Lima also the cabildo appointed each year two responsible persons to take charge of bienes de difuntos. They did so "in accordance with the royal decree,⁹⁹ and the custom of this city." Similarly, in Quito the cabildo chose these officials, and records were¹⁰⁰ kept by the scribe of the cabildo.

Another device for raising funds was the ancient royal claim to mostrencos, or lost sheep. Regulations concerning stray sheep had been enforced in the parent country long before they were applied to New Spain. One of the chief functions of the Mesta, both in Spain and in New Spain, was the assignment of stray animals to their rightful owners. When the owners could not be found the strays were disposed of and the funds received for them were added to the royal treasury. In Spain, this royal sheep tax became, in fact, one of the most exploited of all the dwindling revenues of the monarchy. When the Mesta was transferred to New Spain one of its most important functions was its jurisdiction over stray animals.

Strays were either to be added directly to the

98. Actas de Cabildo, VII, 496.

99. Libros de Cabildos de Lima, VI, part I, 341.
Cf. part II, 292.

100. Cabildos de Quito, II, 264.

royal treasury or used in some other manner for the welfare of the colony. Efforts were made by the Mesta to find the rightful owners, and when they could not be found the animals were sold and the proceeds went to the royal coffers. The law provided that "stray animals of all kinds, if the owner could not be found, should be sold and the money deposited in His Majesty's treasury."¹⁰¹

In theory the principal sovereigns were universal owners of property and all herds and flocks that strayed supposedly belonged to the crown, unless they were legally claimed by the owner. That strays became very numerous in New Spain and other colonies is shown by the fact that

... in many of the provinces there is an abundance of herds of cattle, sheep, cows, horses, and goats which are born and live and breed naturally among themselves and without an owner; and they are called wild (cimarron) and so remain in the bounds of natural law; and he makes them his own who enters into the roundup, collects, tames, and kills them as there are many in the province ... of New Spain, and profits in the pelts ... which are taken to Spain where they are high in price¹⁰²

Funds from the sale of strays were sometimes used for the support of the church or other eleemosynary institutions. By a decree of December 4, 1552, "for the

101. D.I.U., X, 313.

102. Solorzano, Política Indiana, lib. VI, cap. VI, 452-453. Fugitive slaves were generally considered as stray animals. See p. 454.

support of the Colegio de los Niños of Mexico half of the stray sheep were to be given over a ten-year period."¹⁰³

In some instances money from the sale of mostrencos was used on public works projects. On January 4, 1557, the cabildo of Lima provided that money proceeding from the disposal of stray animals was to be used "to pay for decorations and adornment of the houses of the cabildo"¹⁰⁴

A portion of the mostrencos was used for the benefit of the cruzada, or indulgences sold to provide funds for the wars against the infidel. This tax dates from the twelfth and thirteenth centuries when the Pope granted it to the Christians of Spain in their conflict with the Moors. The cruzada was to be employed in the exaltation and extension of the Holy Catholic Faith. By a decree of 1484, in Spain, the commissioners of the cruzada were given a fifth of all mostrencos, incomes from bull fights, and properties of persons dying intestate.¹⁰⁵ This tax was collected in New Spain as early as 1539-1544.¹⁰⁶

The last but by no means the least lucrative

103. D.I.U., XVIII, 79. Cf. Vol. XX, 179.

104. Libros de Cabildos de Lima, V, 568.

105. Klein, 15, note 1. Cf. Bancroft, History of Mexico, III, 665.

106. Haring, "The Early Spanish Colonial Exchequer," American Historical Review, XXIII, 786.

sources of taxation employed by the Spanish government were in fines, penalties, rents, taxes to prevent monopoly, and other miscellaneous assessments. The herdsmen and flock masters did not escape these various forms of taxation. The Spanish officials were charged not to take any of the money from these sources for their own personal use. The law provided "that the presidents, oidores, criminal judges, and fiscales shall not take any heavy profit from cattle or sheep herds, nor estancias, nor cultivated fields ... under pain of
107
our mercy and loss of their offices"

Money received from herdsmen in fines and penalties was often used to pay for the building and maintenance of schools, colleges, and churches. In 1549, in order to build and maintain a college in the province of Michoacán where residents' children could study industrial arts and religion, a portion of the herds and flocks, and half of the penalties of the mesta, were
108
used. Such institutions were supported in all parts of New Spain mainly by the herdsmen and sheep-owners.

In 1594 a tax was imposed upon wool mills in certain districts of New Spain to prevent monopolies. The danger of a monopoly on woolens, consequent high prices, and measures taken to limit such prices are described

107. Recop., lib. ii, tit. xvi, ley liii.

108. Paso y Troncoso, V, 206.

as follows:

... injury results to the town, if a certain number of wool mills are located, knowing that there are no others in another place where they can buy; and by force they have to go and buy from those who sell at excessive prices, and as they wish ... the remedy is easy; an assessment shall be put on the prices at which they now sell ... and in this way the town will benefit ... and it appears just and can be done with sound conscience. 109

Accurate accounts were kept of all taxes. Fines and pecuniary penalties were noted down in a book provided for that purpose, so that the money received from this source could be accounted for. Royal revenues rapidly increased during the sixteenth century, due entirely to the energetic exploitation of the various forms of taxation by royal agents; that the pastoral industry bore an increasingly heavy burden of taxation is not to be doubted. For after the mineral resources had been exploited and, to a large extent, wasted, the crown could find no alternative save to tax the sheep- and cattle-owners. Interminable foreign wars with France, the Turks, England, and the Netherlands taxed the waning resources of Spain to the limit. The conquest and government of the vast dominions in the New World were equally onerous upon the Spanish treasury. An elaborate program of world empire coupled with an amazing incompetence and maladministration among Spanish

109. Cuevas, Documentos para la historia de México en el siglo XVI, 483.

fiscal officials caused grave financial difficulties throughout the sixteenth century. The exploitation of all possible sources of income was imperative; many forms of taxation were imposed. To all these the pastoral industry contributed heavily.

CHAPTER X. THE COMMON PASTURAGE

A salient characteristic of the migratory pastoral industry in Spain was that it originated and continued to develop because of certain topographic and climatic conditions which necessitated semiannual changes of pasturage. A great portion of the land where the cañadas were marked out was sparsely populated and the migratory herdsmen were permitted to drive their flocks wherever they wished; they were to be careful, however, in cultivated areas to see that their sheep did no damage to crops. Members of the Mesta were granted many pasturage privileges which non-members did not enjoy. The crown exacted heavy tolls on the travelling flocks, and the motive for facilitating the passage of the flocks over the cañadas was primarily pecuniary.

In New Spain, geographical factors were favorable to the sheep-raising industry. The topography of the Mesa Central was particularly adapted to sheep-raising. Changes in the climate were so slight throughout the year that no migratory pastoral system was necessary. Although the Spaniards introduced private property holding into New Spain, vast areas of the land continued to be held in common very much as the aborigines had done. The early Indian tribes in the cordillera region were nomadic, and subsisted mainly by hunting and fishing. In the Mesa Central, however, a sedentary, agri-

cultural type of society developed and tenure and use of the land became an important matter. The system of land tenure worked out by these semicivilized groups left a permanent imprint upon Mexican agrarian institutions and merits some examination in detail.

Each kindred group of the natives, that is to say, each group with a common male ancestor, was known as a calpulli. This social group was made up of several households, still smaller groups. Several calpulli¹ would settle close together and form a village.

Several kinds of land were held by the calpulli. The area surrounding each village was called the altepetalli, or town land; it was sectioned off, each calpulli holding its own part and using it independently of the other groups. A portion of the altepetalli was not cultivated but served as hunting grounds, woodland, and rock quarries; any member of the calpulli had access to this land. The altepetalli would correspond closely to the ejido of the modern Indian pueblo.² Another por-

1. Santiago Magariños Torres, El Problema de la Tierra en Méjico y la Constitución Socialista de 1917, Madrid, 1932, pp. 39-40; Lic. Lucio Mendieta y Nuñez, El Problema Agrario de México, 4th ed., México, 1937, p. 11; McBride, 114; Phipps, Some Aspects of the Agrarian Question in Mexico, 18; Simpson, The Ejido, 4. Cf. H. I. Priestley, The Mexican Nation, a History, New York, 1923, p. 25.

2. Mendieta y Nuñez, El Problema Agrario de México, 12; McBride, 114; Simpson, The Ejido, 4; Magariños Torres, El Problema de la Tierra en Méjico, 40.

tion of land, and most important of all the sections, was the plot cultivated for public purposes; it was the best land in the village, and was cultivated for the benefit of the chief, for the payment of tribute, the support of the priesthood, and to carry on war.³

Neither the plots for public use nor the parcels assigned to individuals could be alienated under any circumstances.

Several points are notable in this system of land tenure in pre-colonial Mexico: communal land tenure prevailed; privileged classes imposed upon the masses for their support and that of the priesthood; also actual slavery existed. The upper classes occupied themselves mainly in warfare.⁴

It was upon this system of aboriginal land tenure that the Spaniards had to superimpose their system of land holding. The land of the Spanish towns was of two classes - the municipal land and the communal. The former, called propios or bienes concejiles was either cultivated by the townsmen in common, or else they were rented, the proceeds being used for municipal support.

3. McBride, 116; Simpson, The Ejido, 5. Cf. Phipps, Some Aspects of the Agrarian Question in Mexico, 18. See also Magariños Torres, El Problema de la Tierra en México, 42. There were many variations from the communal system of land holding in Aztec Mexico. See McBride, 117-123. Cf. Simpson, The Ejido, 5-6.

4. Phipps, Some Aspects of the Agrarian Question in Mexico, 19.

The communal lands, or bienes comunales, consisted of the woodland (monte), pasture (pasto or dehesa), and the ejido,⁵ a tract outside of the town used as a threshing place and for community meetings. Forest and pasture lands were usually held in common. Agricultural land was subdivided and allotted to individuals for a certain period of time, ranging from one to five years.⁶ The ejido, besides being used as a threshing place and for public meetings, contained a place where stray cattle were kept; it also contained a public rubbish heap and the village slaughter pen. Here the farmer could unload crops brought from the fields; here he could winnow his grain in the open air. Here he could have an apiary and indulge in the culture of bees. No building could be constructed on this land, nor could it be cultivated.⁷ In the Castilian agricultural village neither the public land (propios) nor the communal lands (bienes comunales) could be alienated.⁸ The

5. The word "ejido" is usually used in the general sense to mean any land held in common. In Quito the public park is still called an "ejido." See McBride, 125, note 34.

6. Phipps, Some Aspects of the Agrarian Question in Mexico, 21; see also Simpson, The Ejido, 11.

7. McBride, 106. Cf. Simpson, The Ejido, 12. Every village had a square league made up of crop land, pasture, and woodland. This was the ejido, but not in the sense it was used in Spain; it included all communal agricultural land of the town. See Simpson, The Ejido, 13.

8. Simpson, The Ejido, 12.

townsmen carefully guarded these common lands against encroachment by the migratory flocks of sheep which semiannually crossed the country between the winter pastures in the south of Spain and the highland pastures of the central plateau.⁹

The characteristics of the Spanish system of land tenure closely paralleled the system used by the natives of the Mexican plateau, and furnished a basis for the amalgamation of the two during the colonial period. The private and communal ownership of land that existed in Spain was transferred to New Spain; in the colony, however, there was more communal tenure than in the home country.

The Spanish monarchs intended to conserve the land system of the Indians, assuring the natives of possession of the land they had held before the Conquest. This was difficult of accomplishment because the Indians had owned the best land of the Mexican plateau - land that the Spaniards obviously coveted; a struggle for possession of this land was inevitable between the Spaniards and the natives.¹¹ With the coming of the Spaniards the Indian communal land system underwent certain changes; despite the fact that there were many similarities in

9. McBride, 106-107.

10. Phipps, Some Aspects of the Agrarian Question in Mexico, 22.

11. Ibid., 23.

the systems of land tenure of Spaniard and Indian, the Spaniards destroyed equality of opportunity to use the¹² land.

It is well to keep in mind that land soon came to be considered very valuable by the Spanish conquerors. At the time of the Conquest and immediately thereafter, Cortés and his freebooters were primarily interested in getting gold and not in tilling the soil "like a peasant." And yet, in the long run, after the novelty of fighting and looting had worn off, it was lands and farms and stock-raising that turned out to be the enduring fruits of the Spanish Conquest, and not gold and silver. Mining, however, was not entirely neglected, but it was generally considered a temporary occupation; farming and stock-raising, even if the actual labor was performed by serfs under Spanish direction, were permanent occupations. The great majority of Spaniards who came to Mexico throughout the colonial period were occupied in one way or another with land and the pursuits of agriculture and stock-raising. From the first, problems of land tenure, land distribution, and land ownership in New Spain were problems that constantly needed the attention of the crown. Almost innumerable were the royal decrees and ordinances issued to solve these

12. Simpson, The Ejido, 5.

problems.

In the process of amalgamating Spanish agrarian institutions with the land system of the natives in New Spain two conflicting and incompatible lines of development are noteworthy. A struggle ensued between the native communal landholding and the private "feudal" estates imposed by the Spaniards.¹³ Although the natives had instituted private property in some sections of New Spain before the Conquest, the introduction by the Spaniards of the peonía and caballería greatly strengthened and developed this type of landholding. On the other hand is the communal village rooted deep in native custom and tradition. Inseparable from the story of sheep-raising and the wool industry in New Spain is this struggle between feudalism and the free village, between private ownership of land and the collective communal holding - in short, between the hacienda and the ejido.¹⁴ In theory the Spanish crown pro-

13. Ibid., 8. Variations in land tenure after the Conquest are treated by McBride, 117-123.

14. Ibid., 15. Cf. McBride, 50-51, 126-127. The peonía was a plot of ground 50 feet wide by 100 in length for buildings, sufficient land to sow 100 fanegas of wheat or barley, and ten of maize, two patches of terrain for orchards, eight for other trees requiring dry ground, and pasture land for ten brood sows, 20 cows, five mares, 100 sheep, and 20 goats. A caballería included a building lot of 100 by 200 feet, and the other grants were five times the size of that of a peonía. Good and inferior land was to be distributed in just proportion. Bancroft, History of Mexico, III, 605, note 3. Cf. Mendieta y Nuñez, El Problema Agrario

tected communal holding, but for almost four hundred years the hacienda was dominant.

Indian towns were reorganized on a Spanish basis, and soon after the Conquest the blending process of Spaniard and Indian began. Kinship groups broke up and the two races intermingled bringing about a class resemblance between Indian pueblos and towns founded by the Spaniards. A peculiar type of village developed which was neither Spanish nor Indian, but a combination of the two, the Mexican pueblo. Mestizo towns holding lands tended toward Indian, rather than Spanish racial characteristics.¹⁵

The Indians were to be respected in their rights in the land. Officials guilty of usurping the possessions of Indians were to be prosecuted "even to the death penalty."¹⁶ Indian villages were to be allowed to retain the lands they had at the time of the Conquest, and were to be given additional land.¹⁷ Landholders, after harvesting their crops, were required to

de Mexico, 35-36. It was further ordained that the soldiers and peons should receive: "... a caballería (about 33-1/2 acres) 100 feet wide and 200 feet for buildings ... which shall be 500 fanegas for raising grain and silk, 56 for maize, 10 huebras of land for gardens, 40 for trees, and pasture land for 50 hogs, 100 cows, 20 mares, 500 sheep, and 100 goats." Recop., lib. iv, tit. xii, ley i.

15. McBride, 129.

16. Recop., lib. vi, tit. iv, ley xxxv.

17. Ibid., lib. vi, tit. x, ley xxi.

allow the Indians to pasture their sheep and cattle on
¹⁸
 the stubble. According to Spanish law no encroachment upon lands of the Indians was to be tolerated.

The northern section of New Spain gradually outdistanced the south in agriculture and stock-raising because the mineral wealth stimulated the growth of population. The hold once gained by the settler was in most cases maintained, although the mines which created it were abandoned. Stock-raising and farming soon surpassed, and permanently were more important than mining.

The crown passed whatever decrees it deemed necessary to encourage stock-raising and the cultivation of the soil. Settlers in new districts were entitled to land according to rank; they were obliged to build homes, plant crops within a certain time, and own a certain number of livestock.
¹⁹
 Land was distributed by the viceroy or the governor, with the assistance of the town council,
²⁰
 the regidores being given preference, but
²¹
 in all cases the Indians were not to be exploited.

18. Ibid., lib. iv, tit. xvii, leyes vi, vii, viii.

19. See note 14, above, pp. 347-348.

20. Wilgus, History of Hispanic America, 139. Cf. Bancroft, History of Mexico, III, 605.

21. On paper, the rights of the Indians to own land were to be respected, and in no way were they to be exploited. Actually, however, in the encomienda system the natives continued to hold their lands in common, subject to the grant of the Spanish crown. Gradually the Indians passed from the status of free communal landholders to that of serfs bound to the hacienda on which they lived. The Indians lived on the estates

Members of the Mesta were given special landholding privileges. In their interest the owners of private property were forbidden to fence or to plow their pasture lands. When a brother of the Mesta rented a pasture the owner of the land agreed not to lease it to anyone else or to raise the rent. Thus the rental became perpetual and finally was converted into ownership.²²

The cabildo was empowered to make private grants of land to Spaniards who looked for the most suitable locations and most fertile soil. Other lands were to be held in common. By a cédula of Charles V, on October 28, 1541,

all the mountains, pastures, boundaries, and waters of the provinces of the Indies shall be commons in order that all the villages in them can enjoy them freely. And likewise they can make and use whatever cattle paths and sheep walks which they desire in said provinces; they shall be permitted to take their herds with them, or keep them separated as they desire. 23

with certain customary rights of occupancy, but real ownership was now vested in the Spanish conquerors. See McBride, 58. Cf. Zabre, Guide to the History of Mexico, 221. Cf. Mecham, Francisco de Ibarra y Nueva Vizcaya, 204. Various Papal bulls gave the Spanish kings jurisdiction over property of the Indians. Alexander VI gave the Catholic kings absolute propriety and complete jurisdiction over the territories of the natives of the Indies. See Mendieta y Nuñez, El Problema Agrario de México, 26-27. This bull was the true and only title which justified the occupation of the lands of the Indies by the royal forces of Spain; those who conquered the lands took possession of them in the name of, and for, the Kings of Spain. See p. 29.

22. Phipps, Some Aspects of the Agrarian Question in Mexico, 25.

23. Solorzano, Política Indiana, lib. II, cap. IX,

The large sheep- and cattle-ranches were often located not far from a mission; here the animals could be herded together at round-up time, or were allowed to roam with the least possible care in the adjacent common land. They were cared for by the natives under the direction of overseers of Indian blood.²⁴ These Indians were, for the most part, in encomienda. They were allotted to individual conquerors who were to teach²⁵ them the Christian doctrine and treat them kindly. The privilege of holding Indians in encomienda could²⁶ be revoked at the pleasure of the king.

Large estates were often formed either by the transformation of lands held by Indians in encomienda into a farm, or by other means; such estates ordinarily remained unbroken. This stability was due to two facts: lands of Indians in encomienda might not be divided, and, the general practice was to create a mayorazgo, or entailed estate. The Spanish settlers could make fortunes from trade, mining, tribute from the natives, or from farms and stock-raising; services to the crown were also rewarded. After acquiring fortunes the colonists frequently sought titles of nobility and with them

105. Cf. Bancroft, History of Mexico, III, 606. Cf. p. 615, note 46.

24. Blackmar, Spanish Colonization in the Southwest, 38.

25. McBride, 45.

26. Ibid., 49.

would go titles to their estates.²⁷ These were entailed estates with clear titles; by 1571, in order to confirm land titles, the Spanish government examined²⁸ all deeds.

It is needless to assert that conditions changed with the introduction of sheep, cattle, and horses into the new lands. The plow replaced the crude spade; mules and horses carried burdens that were formerly carried by human burden-bearers. The herds and flocks made grass lands valuable. The introduction of sheep and cattle made extensive grasslands necessary in Spanish holdings. By 1572, many such regions were granted in the valley of Toluca, on the plains of Ozumba, and in Michoacán and Jalisco. The Spaniards kept their flocks on estancias or on unoccupied areas between Indian holdings.²⁹

It is well to keep in mind that all grants of estancias were made by the cabildo. A typical case of a grant of land by the cabildo is that of June 3, 1542. The cabildo minutes for that meeting in part, are as follows:

Today they (the regidores) favored Gonzalo de Salazar in his supplication for a site of an estancia within the boundaries of Tachechilpa, which is in a valley where a spring of water bubbles up, for keeping flocks of sheep; and it shall be without prejudice of a third

note 27. Ibid., 58-59. Cf. Simpson, The Ejido, 10,
 20.
 28. Ibid., 56.
 29. Ibid., 55.

party, and shall be guarded by the ordinances of this city which deal with the subject of estancias; and they were obligated to give him a deed for it. 30

Numerous and minute were the regulations which existed for the organization of all new settlements. The ejidos were to be situated at a sufficient distance so as not to impede the growth of settlements. The distance between sheepfolds was regulated. Limitations were put on the number of herds and flocks allowed to pasture in the commons. Sheep were to be raised exclusively on sheep estancias, and cattle on cattle estancias; they were not to be mixed under any circumstances; sheep could be taken to cattle estancias only after the cattle had been taken away, and vice versa. Special pasture land was provided for all animals intended to be slaughtered. The law which provided that all pasture land was to be free for common use both to Spaniards and Indians gave rise to many disputes, but the audiencia³¹ ordered the spirit of the law to be carried out. All these regulations are of sufficient importance to

30. Actas de Cabildo, IV, 286. In Quito estancias were granted by the regidores and by the scribe of the cabildo; grants were made on petition to these officials. See Cabildos de Quito, II, 16-17, for the meeting of January 24, 1538.

31. Bancroft, History of Mexico, III, 615, note 46. When cattle became so abundant that they were killed only for their hides, little care was taken to save the cows, until a law forbade the slaughtering of all female stock without the consent of the viceroy. This insured further increase.

merit an examination in detail.

Particular attention was paid to the matter of regulating the distance of estancias and commons from the villages or from seeded fields. The law provided that

cattle estancias shall not be located within a league and a half from the old settlements, and sheep estancias within a half league; and in new settlements they must be twice such distance from the boundaries; and all owners shall keep careful watch, under penalty of paying the damage herein stated; and the Indians shall be permitted to kill the herds which enter their own land without any punishment 32

This regulation was passed at the close of the sixteenth century. Previously the cabildo had provided, in concurrence with a decree of the viceroy, that sheep estancias should be 2000 paces from the public square. The cabildo minutes of August 11, 1578, record that

Today the cabildo discussed the notice that the very excellent viceroy Don Martin Enríquez has made a certain decree by which he commands that the site of a sheep estancia shall be 2000 paces, as is the custom, from the agora; in the midst of it shall be built a house and settlement in such a manner that in each direction the owner will enjoy 1000 paces 33

Estancias were also to be a certain distance from seeded fields. In the fertile valleys of Mexico cattle and sheep estancias were to be six leagues away from cultivated fields. All estancias were to be fenced in at the cost of the owners. ³⁴ Because of the consider-

32. Recop., lib. vi, tit. iii, ley xx.

33. Actas de Cabildo, VII, 351. Cf. D.I.A.I., XIV, 232.

34. D.I.U., XXII, 212.

able distance between estancias and crops, the damage done by livestock was usually slight. Any person who built a corral, hacienda, or settlement nearer than the specified distance from a settlement or crop was compelled by law to give up his location.

The law also fixed the distance between corrals for sheep and goats: "corrals for sheep and goats shall be located so one corral shall be 100 varas from the other."³⁵ The reason for fixing these distances between corrals, estancias, crops, and settlements, obviously was to prevent damages and loss.

The number of beasts allowed to graze in the common pastures was limited by law. In the cabildo meeting of May 7, 1554, the

regidores said that many people complained that in the common lands and pastures of this city ... there goes a great quantity of sheep, hogs, goats, and cows in such numbers that they do not leave in said common lands and pastures any grass, and that damage is received; and providing for the aforesaid, they ordered that no person of whatever quality shall take into said common lands and pastures of this city any herds of sheep, cows, goats, hogs, or mares in greater quantity than what is commanded. And if they have too many at present, they shall take them out within three days after publication of this decree, under penalty of 50 pesos de oro común, half to this city and half to the denouncer and judge of the case³⁶

This ordinance was very important and was made public to all "in order that no one can pretend ignorance";

35. D.I.A.I., XIV, 230. A vara was a variable unit of length; it was usually considered 2.8 feet.

36. Actas de Cabildo, VI, 134.

it was publicly proclaimed in the plaza of Mexico City and in the entrances to the streets of San Augustin, San Francisco, Tacuba, and Santo Domingo.

There were also limitations on the number of animals that anyone could pasture on land, whether it be commons or not.

No person who holds lands by labor, gift, rent, or in any manner whatsoever, shall take into such lands and districts more than twenty oxen for each caballería³⁷ which he cultivates; and up to four milk cows and twenty goats ... and eight head of mares for the harrowing of each caballería; and he shall not have a greater quantity for profit, breeding, or other effect, under penalty of losing it³⁸

Provision was made that the different kinds of livestock were to be kept, each on its own ranch exclusively. In each title given for an estancia it was specified what kind of beasts were to be kept on the estancia. Many Spaniards, nevertheless, exceeded their titles and stocked with cattle the sites intended for sheep, and with sheep those intended for cattle; many times they kept cattle, sheep, pigs, horses, and poultry all on one estancia. In order to remedy these excesses the law provided that

37. A caballería was five times the area of a peonía and probably varied in individual cases from 500 to 1,000 acres, depending upon the quality of the land involved. The standard size of a peonía was approximately 100 acres, made up of the various classes of land estimated to support a single family. See Simpson, *The Ejido*, 10.

38. *Beleña*, I, 68-69. Ordinance of April 7, 1576.

the justices in this New Spain, each in his own jurisdiction ... shall visit the estancias and farms which should be in his district; and they shall know and inquire into what persons exceeded their titles ... and have made on the caballería of land granted for tillage, estancias for the herds, and have inclosed cattle on the sites intended for sheep, and sheep on the sites intended for cattle; ... and the owner who has done to the contrary shall incur a penalty of loss of such estancias and lands which he has ... applied, two-thirds to the chamber of His Majesty, and the other third to the Mesta, justice, and person who brought suit. 39

Every effort was made to keep sheep and cattle separated. When they became mixed, or strayed together, many lawsuits ensued between the sheepmen and the cattlemen. The regulation provided that no sheep-owner was allowed to bring his sheep for summer pasture, nor make ranches nor pasture lands, in the sites of cattle estancias. The penalty for infraction of this regulation was 50 pesos de oro común, applied according to the ordinances of the Mesta. The act provided further that no

person shall dare to set fire to the grassy plains where said estancias are, nor in any place, under penalty of 100 pesos, if he were Spanish; and if he were a mestizo, negro, or mulatto, he shall be given 100 lashes publicly. 40

Under no circumstances were cattle and sheep to be kept on the same estancia at the same time. Sheep-owners were permitted, however, to take their flocks to es-

39. Ibid., 59-60. Article 79 of the Mesta constitution of 1574.

40. Ibid., 55. Article 68 of the Mesta constitution of 1574.

tancias on which cattle had formerly grazed; they could not do so until all the cattle had been taken to another estancia.⁴¹ No person was permitted to take cattle or horses to graze on estancias intended for sheep; the penalty for infraction of this rule was loss of such animals. Any sheep-owner who found cattle or horses among his flocks was permitted by law to shoot such strays on sight.⁴²

The law further provided that sheepfolds were not to be constructed too near to each other:

Inasmuch as many shepherds, after returning with their flocks of sheep from the summer pasture to their estancias, make sheepfolds very near to one another, from which dissensions are increased from said herds from one estancia to another, and there are many differences and grudges on this matter: I ordain and command that on returning from said summer pastures to the estancias, each one shall make his sheepfold round about his own estancia, apart from its houses 500 paces and no more, under penalty of 20 pesos de minas, applied according to the ordinance of the Mesta⁴³

No sheep-owner was allowed to take his flocks into any site or estancia without title or permission, under penalty of 50 pesos. Having obtained the legal rights to locate and establish an estancia, the sheepmen were not to take more sheep to the ranch than was permitted by law. Laborers who tended the flocks were not responsible for any damages done by the beasts; the owner

41. Ibid., 21. Ordinance of December 19, 1578.
 42. Ibid., 21. Ordinance of January 25, 1574.
 43. Ibid., 46. Article 49 of the Mesta constitution of 1574.

44

was solely responsible for all damages.

Special pasture was provided for all sheep and cattle bound for the slaughterhouse. As early as May 23, 1542, Viceroy Mendoza ordered "that there should be marked out in the public lands of this city pasture land for herds and flocks of the slaughter type." He further provided for a certain site for houses and seeded fields for the Indians who lived near the city.⁴⁵ Mendoza was consistently paternalistic toward the Indians.

The cabildo was empowered to make grants of land for public purposes from the commons. But in so doing the town councilmen always respected the rights of owners of private property near the common lands. The cabildo minutes of July 23, 1584 state that

today in the cabildo the alguacil mayor and Guillen Bron-dat talked with Diego Troche concerning a causeway which the cabildo was obliged to make in the boundary of Chapultepec, because the city took a strip of land from the public land which is next to his vegetable garden, in view of the city. 46

Diego Troche confirmed in writing that such action by the cabildo was satisfactory to him and the two representatives of the cabildo thanked him for the favor.

Both in Lima and Quito, as in New Spain, the cabildos had immediate charge of all matters pertaining to the common pastures. In Lima the cabildo regulated

44. Ibid., 26-27.

45. Actas de Cabildo, IV, 284.

46. Actas de Cabildo, VIII, 705.

the size of the city commons, and enlarged it when it became necessary to do so. The town councilmen also could grant lots to Indian caciques having a certain number of Indians under their control.⁴⁷ The cabildo in Lima could, on petition from a citizen, mark off a plot of ground for herds intended for the meat markets and slaughterhouses; such plots were to be used exclusively⁴⁸ for herds and flocks for the slaughter. Usually the animals were kept only temporarily on these plots, before they were taken to the slaughterhouses.

In Quito the cabildo regulated all matters pertaining to the ejidos.⁴⁹ It could mark out the ejido, determine the distance of two leagues it should be from the city, and make sure that boundaries were accurately laid out.⁵⁰ The town councilmen took action on March 4, 1574, to conserve the pasture in the ejido. Sheep and other livestock were to be removed weekly from one ejido and taken to other pastures; subsequently, when the grass was more abundant, they were brought back. Limitations were put on the number of animals to be pastured in certain ejidos.⁵¹ Heavy penalties were meted

47. Libros de Cabildos de Lima, I, 286. Four lots were to be given to each cacique who had Indians in each neighborhood.

48. Libros de Cabildos de Lima, VI, part I, 161.

49. Cabildos de Quito, I, 69.

50. Cabildos de Quito, II, 340.

51. Cabildos de Quito, VI, 146. Eight milk cows, thirty sheep, and two dozen milk goats were permitted to graze on one ejido.

out to anyone disregarding these regulations.

The cabildo of Quito also was empowered to grant estancia rights on petition of sheep- and cattle-owners. The minutes for the meeting of May 31, 1535, are as follows:

Today Juan de Anpudia petitioned said señores, justice, and regidores to mark out for him an estancia, the site of which is near the Zienega road from the mountain to the edge of the sierra where at present he has sheep, which is near the first ravine ... and said señores, justice, and regidores shall give it to him without prejudice. 52

In order to enforce the numerous regulations pertaining to the common pastures in New Spain it was necessary to have an adequate corps of officials ready to do their duties at all times. One of the most important of these officials was the inspector of public lands. He was chosen each year by the cabildo. His duties are adequately described in the minutes of the cabildo:

By decree of April 8, 1572, Don Pedro Lorenzo de Castilla, regidor of this city, was named to take charge of visiting the herds which should come to the common lands, for the supply of this city, as well as for other parts; he shall take account of their brands, and have an account book in order to give an account at the end of the year. And the following year was named Gerónimo López, regidor of this city, to the aforesaid. They ordered that all cases touching said herds should pass before and be tried by the justice and deputies of this city. They named as scribe to keep an account of the brands of all said herds, Tomás Justiniano, who should go to the owners and take account of all the brands and quantity of herds, and keep it in a book signed by him. 53

52. Cabildos de Quito, I, 84.

53. Actas de Cabildo, VIII, 101.

The inspector and the scribe, each was to keep a separate record of brands and the number of herds and flocks in the commons. At the end of the year these records were compared, and were supposed to be the same; in this way greater accuracy in reports was obtained.

It was the duty of the inspector to see that the Indians did not fence in any part of the common lands, as they were prone to do. When the inspector found such infractions of the law he was to report them immediately to the cabildo which body took the necessary action to discourage such practices. 54

The inspector of common lands was further obligated to inspect all watering places where the livestock drank; he was to make sure that they were kept in good condition. The cabildo minutes of the meeting of September 11, 1592 state that:

Today a petition from the inspector of commons was seen in which he said that there are some who have made watering places in the commons; this city ordained it, and I, the scribe, agree with His Lordship that every fifteen days he (the inspector) shall go to visit it, as is the custom. 55

The law provided that no person should take salt from the common lands, nor were salt deposits to be exploited, nor destroyed in any way. This was a conserva-

54. Actas de Cabildo, IX, 343.

55. Actas de Cabildo, XI, 25.

tion regulation to guarantee a permanent supply of salt which was a necessity to the flocks and herds grazing in the common pastures. The inspector was to see that this regulation was carried out, under penalty of losing his salary.⁵⁶

The inspector was further charged to watch any and all sections of the commons that might become too dry, causing poor pasturage. Whenever the inspector deemed the pasturage unfit or insufficient to sustain the herds and flocks he reported the facts to the cabildo; this body then provided that the livestock should be taken to new and greener pastures.⁵⁷

The cabildo had charge of the payment of the salary of the inspector of common lands. It was usually paid in three installments; each third of the annual salary was paid regularly by the majordomo of the city, by order of the cabildo. The minutes for the meeting of the cabildo of May 12, 1570 provided that payment "shall be made to Baltazar Garcia of 76 pesos, 5 tomínes, and 4 granos as a third of his salary as inspector of public lands of this city"⁵⁸ The salary was paid

56. Actas de Cabildo, XII, 295. Cf. pp. 345, 349. See also Real ordenanza para el establecimiento e instrucción de intendentes de exercito y provincia en el reino de la Nueva España, 195.

57. Actas de Cabildo, VI, 36. Minutes of October 23, 1551.

58. Actas de Cabildo, VII, 477. The cabildo ordered the payment of the inspector's salary by thirds

out of the public funds.

Besides the inspector of common lands many other officials from the highest to the lowest in the colony made visitas and tours of inspection to the ejidos. The viceroy, oidores of the audiencia, members of the cabildo, judges of the mesta, scribe of the town council, the majordomo, and any other public servants customarily would go to the ejido to see if any repairs or equipment were needed, to examine the watering places, and to study the general condition of the commons. "Mendoza ... was abroad almost daily examining the ejidos of the City of Mexico, the condition of the roads, the lands that were to be divided, or some kindred matter⁵⁹ about which he wanted information."

The commons and estancias were to be visited by the oidores of the audiencia. This was done at the request of the cabildo whenever that body considered it necessary. In the cabildo meeting of September 12, 1547, the councilmen provided that

Doctor Quesada, oidor of this audiencia, should visit the estancias of herds which are within the boundaries of this city, and in its environs, to see if any damage has been done, and to proclaim in favor of said estan-

in many instances. See Vol. VIII, 68. Here there is an error in the date in the printed source: the date given is November of "1562," which should be November of "1572." See also in Vol. VIII, pp. 239, 288, 302, 314, 318, 357, 388, 392, 401, 419, 426, 436, 460, 535, 611, 635, 649, 670. Cf. Vol. IX, 270, 346. Cf. Vol. XII, 13.

59. Aiton, 50.

cias, and of the natives of the land, and breeders of said herds 60

In case the oidores of the audiencia were not available or, for some good reason, could not make the visita the law provided that

the viceroy shall visit the estancias with two men ... who shall take great care to remedy what is important. ... The viceroy shall provide that no damage be done to the estancias and crops ... and that appeals shall be taken to the audiencia 61

The regidores also were required to visit and examine the common lands and to bring back a report of their findings to the viceroy. They were empowered to examine new sites of estancias or commons and advise whether or not such sites would be profitable to the public. On May 8, 1551, the cabildo commissioned Pedro de Billegas, regidor, "to see and visit the savanna of Tepeapulco, and see its estancias in order to give reasons for and against said savanna." In this case the viceroy was informed that the herds and flocks had done much damage in the savanna and mountainous areas and that the water supply was insufficient for large herds. 62

The regular wage paid to a regidor for his services in visiting the ejidos and estancias was a peso de minas per day. 63

The purpose of these visitas obviously was to study

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60. Actas de Cabildo, V, 188. Cf. Vol. VI, 244.
 61. D.I.U., XXII, 210.
 62. Actas de Cabildo, VI, 20. Cf. Vol. V, 188.
 63. Ibid., 244.

conditions in the ejidos and estancias and to remedy any situation that might arise pertaining to them. In the early days of the colony the cabildo members and other officials grappled with the problem of irrigating certain arid sections of the ejidos. In the meeting of July 31, 1544, the cabildo ordered that a visita should be made to the public lands of the city to get information concerning the necessity and possibility of irrigating certain areas; the water for this purpose was to be taken from the canal which brought water to the city.⁶⁴

Later in the sixteenth century many improvements were made in the ejidos by building bridges over streams to facilitate the movement of the flocks and herds. The building and maintenance of these bridges were serious problems to members of the cabildo. In the meeting of May 24, 1596, the members claimed "that there are many broken bridges in the commons which necessarily ought to be built up, and others have fallen. And the Indians living in the parts and places around them go out, ask, and supplicate the city to build and repair them"⁶⁵ The cabildo usually took the necessary action to remedy such conditions immediately.

Visitas to the ejidos were not made at regular intervals, but whenever the cabildo deemed it necessary

64. Actas de Cabildo, V, 57.

65. Actas de Cabildo, XII, 280.

and proper. There were times when these visitas were neglected because the regidores and other officials were too busy with other duties; but they were never neglected for a very long time. In the cabildo meeting of August 29, 1578,

it was agreed that the visita to the common pasture land of this city should be made on Wednesday of the first week which is convenient, and another visita should be made on Tuesday of the following week, mindful that in this year it has not been visited; it is necessary that it be done on said days. They ordered that all the caballeros regidores should be called to go to it 66

Usually two visitas were made, eight to ten days apart; then none would be made possibly for three or four months, or whenever it was expedient to the officials.

One all-important problem in the matter of visiting the ejidos was that of providing meals for the inspectors and other officials who visited the commons. Meals were sometimes provided for visitors to the commons by persons living in or near the ejidos, but ordinarily this responsibility devolved upon the majordomo of the city. There were three favorite places where officials who visited the commons ate their meals, namely Atlixuca,⁶⁷ Chapultepec, and Guadalupe.⁶⁸ The money

66. Actas de Cabildo, VIII, 353. Cf. pp. 392, 651. See also Vol. X, 53, the meeting of January 25, 1591. Cf. Vol. XIII, 36, the meeting of July 8, 1597; see also pp. 39, 41.

67. Actas de Cabildo, XI, 35. These minutes of the cabildo meeting of October 26, 1592, record that the majordomo addressed the officials at their dinner in Chapultepec.

68. Actas de Cabildo, XII, 273, 284. Cf. Vol.

for these meals was supplied by the cabildo, which body entrusted the funds to the majordomo who actually made payment for the meals. In the cabildo meeting of June 14, 1596, the regidores "ordered that 298 pesos and 7 tomines de oro común should be given to Hernando Alvarez, majordomo, to be spent for meals in the commons in Guadalupe and Chapultepeque"⁶⁹

The cabildo sometimes lamented the fact that too much money was spent on meals for visitors to the ejidos and took measures to economize in this matter. Efforts were also made to prevent waste of food; in the meeting of April 29, 1596, "the city dealt with visiting its commons, and with what is wasted in each feeding of the two which are made in Chapultepec and in Guadalupe"⁷⁰

An account of all money spent for meals of visitors of the ejidos was kept by the majordomo who made financial reports at stated times in the eating places.⁷¹

In Quito the matter of visiting the ejidos was handled in a different manner. There the cabildo in a body made regular visitas to the ejidos to study conditions and to ascertain what measures should be taken for the good of the herdsmen and flock masters. They

XI, 35.

69. Ibid., 284.

70. Ibid., 273.

71. Actas de Cabildo, XI, 35.

could mark out land, inspect watering places, provide for repairs of bridges, and make any necessary improvements.⁷²

It is well to keep in mind that the towns and settlements in New Spain were to enjoy the benefits of the common pasture lands, water, mountains and entrances and exits to ejidos. The law provided that the Indians were to enjoy the same pastoral privileges as the Spaniards, although this did not always work out in practice.⁷³

The cabildo was empowered to seek and add new lands to the common pastures whenever it became necessary to do so. In the minutes of the cabildo session of September 3, 1599, it is recorded that the cabildo commissioned Guillen Brondat to look for "sites in the lands of Ystapalapa for common pastures for herds for the provision of this city and public"⁷⁴ In order to give effect to this, Señor Brondat was directed to go to the proposed sites and carefully investigate them. He was to be paid a salary of 8 ducats of good Castilian money for each day that he was occupied, "in going to, coming from, and doing said work." His salary was paid from the rents of the city.

72. Cabildos de Quito, VIII, 285.

73. Recop., lib. vi, tit. iii, ley viii.

74. Actas de Cabildo, XIII, 362.

The cabildo was further empowered to grant locations for cattle and sheep estancias only with the consent and instruction of the viceroy. It was the custom and legal requirement that any herdsman desiring to found a new estancia should petition the viceroy for such permission. The viceroy, thereupon, ordered the alcalde mayor to direct the regidores "that within eight days, in the name of this city, they shall do what is contained in this command ... in order that the title of said estancia may be given" ⁷⁵

Before any owner of livestock could turn his beasts into the common pasture it was necessary for him to secure a license from the proper authorities. The ordinance regulating this is as follows:

It is permitted to all breeders of sheep actually to be able to pasture their sheep and flocks in all the uncultivated land of the pueblos of this New Spain throughout the year, and in the commons and unappropriated pastures, and on the cultivated fields, the grain having been carried off from them ... and it shall be necessary to ask for a license ... from the justices, with which they shall do no damages. ⁷⁶

A license was also necessary before one could move his livestock from one estancia to another.

No person of whatever quality and condition he may be can take out or withdraw from the estancias any livestock of whatever age they may be, in little or in great quantities, without express license from the government, under penalty of loss of the beasts which should be so taken out, the value being applied in

75. Actas de Cabildo, VII, 99.

76. Beleña, I, 64.

third parts to the chamber, judge, and denouncer, and of exactly two years of banishment from this land. 77

Any judges of registration who allowed beasts to be transferred without a license incurred a penalty of suspension from their offices, and 100 pesos fine. This severe penalty was inflicted in order to compel the justices to see that the law was faithfully executed.

The matter of registering all the herds and flocks which were pastured in the common lands was one of importance. Registration of livestock in the ejidos was done by a special registrar of herds with the assistance of the scribe of the cabildo. The registrar was chosen annually by the cabildo.⁷⁸ The minutes of the cabildo meeting of March 22, 1584, throw light on the duties of the registrar of herds and of the scribe:

The very illustrious Martin Alonzo de Flandes, greater scribe of this cabildo, asks that Tomás Justiniano, your majordomo, be placed in charge of registration of the herds which enter these common lands. The scribe shall have charge of the papers concerning this service, always in his care; these papers shall be put in the city archives 79

The registration of herds and flocks in the common pastures was one of several measures taken to protect the pastoral privileges of both Indian and Spaniard.

77. Ibid., 64.

78. Actas de Cabildo, VIII, 212; see also p. 315. Tomás Justiniano served in this capacity for several years.

79. Ibid., 680. Cf. Vol. IX, 97, 292. See also McBride, 117, note 16.

One of the most perplexing problems confronting the Spanish government in the administration of colonial affairs was that of protecting the unfenced fields and crops of the Indians from encroachment and damages by livestock belonging to Spaniards. We have already noticed that cattle and sheep estancias and ejidos had to be located a certain distance from cultivated fields⁸⁰ and from settlements. This was a protective measure to prevent damage to seeded fields. The reason for taking this action is described as follows:

"It has been understood that the herds and pastures cannot be near the towns, waters, and seeded fields of the Indians, nor yet of the Spaniards, because of the damage they do to them."⁸¹

Damages to cultivated fields belonging to the Indians were frequently very heavy. The crown constantly attempted to ameliorate the lot of the natives in this respect, but its efforts were of little or no avail. Viceroy Mendoza was particularly anxious that the Indians be given fair treatment and an opportunity to raise⁸² their crops without damage or impediment of any kind. In 1550, having received a letter of instruction from

80. See above, p. 354.

81. Solorzano, Política Indiana, lib. II, cap. XI, pp. 105-106. Cf. Recop., lib iv, tit. xii, ley xii. Cf. McBride, 55, note 30.

82. Puga, Cedulario, II, 280.

the king, Viceroy Luis de Velasco provided that estancias should be made outside of the boundaries of Indian pueblos, and that their crops and pasture lands should be so guarded that no damages would come to them. If any damage was done to crops, the owners of the herds were compelled to pay it. He further ordered that all Spaniards should take their livestock away from lands belonging to the Indians.⁸³

Viceroy Velasco made very few innovations in these regulations; he followed rather closely whatever was the custom in the time of his predecessor, Mendoza. He did, however, order that appeals in damage cases be taken to the audiencia; he provided that an oidor of the audiencia should visit estancias of the Indians and view all damages done to their crops.⁸⁴

The audiencia in Mexico City was very considerate not to consent to a grant of land for an estancia in any place where damage would result in seed time to the Indians. All estancias were to be apart from the Indian towns and from their crops.⁸⁵

This regulation did not check damages to crops belonging to the Indians. Many cattle and sheep of the Spaniards strayed through the maize fields and did great

83. D.I.U., XXII, 211.

84. Ibid., 210. Cf. D.I.A.I., XXIII, 533.

85. Ibid., 209. Cf. Puga, Cedulario, II, 77.

See Instituciones de derecho real de Castilla y de Indias, por el Doctor Don Jose Maria Alvarez, 4 vols., Guatemala, 1825, I, 174. Cf. Paso y Troncoso, VIII, 106, 110.

damage within a radius of four, five, and six leagues from the estancias. The herds of each estancia often numbered a thousand head, and they rapidly multiplied. The law put a limit on the number of livestock that could be kept on each estancia, and provided that "after arriving at a certain number in each herd, the other beasts shall pass to another estancia or herd, because they spread over the land and the Indians could not suffer it."⁸⁶

Every effort was made to conserve the common pastures. Conservation measures and practices that were followed in Castile were adopted in New Spain. In Castile, from the common lands

was taken the necessary material to construct ships, as wood. By this virtue it is commanded that the trees shall not be cut ... and that the fields shall serve as common pasture for the herds. ... The laws of the Indies shall establish these same things, that the mountains, pastures, and waters shall be common to all the residents in each place⁸⁷

As early as November 4, 1541, the cabildo of Mexico City took action against encroachments on the common pastures of the city. Some persons had appropriated strips from the city commons and added them to their own estancias. The cabildo provided that inasmuch as Francisco de Billegas and other persons, residents of this city, have estancias for cattle and

86. Puga, Cedulario, II, 78.

87. Instituciones de derecho real de Castilla y de Indias, I, 135.

sheep on the common lands of this city, and against the ordinances, they ordered Billegas and the other persons to be notified to remove said herds within six days, with warning that if they should not do it, they would be punished. The scribe was ordered to notify said Francisco de Billegas and Ruy Gonzalez, regidor, to summon witnesses. 88

For further protection to the common pastures measures were taken to keep open all the entrances and exits thereto. In some cases the owners of fulling mills run by water power constructed canals across the paths into the commons, thereby impeding the free movement of the flocks and herds. "As a result neither the herds for the slaughterhouse, nor those of the residents have anywhere to graze or to go except where they are surrounded by enemies." ⁸⁹ This ordinance discouraged anyone to construct a canal or any other impediment across the sheep walks and cattle paths.

Attention was given to the problem of overstocking the commons, particularly the section intended for herds bound for the slaughterhouse. All owners who had cows, sheep, hogs, or goats in the commons against the ordinances were compelled to remove them within six days. "All animals which have not passed said boundary shall be hocked, ⁹⁰ which are so found in said commons against

88. Actas de Cabildo, IV, 258.

89. Actas de Cabildo, V, 245. Minutes of the session of January 31, 1549.

90. In so doing the beasts were disabled and could not walk. If their owner or someone else did not kill them, they starved to death on the spot.

said ordinance." 91

Particular care was taken that no fires were started on the common pastures. In order to conserve the pastures and to prevent fires in the fields and grasslands the following ordinance was passed:

For the present I ordain and command that no person, of whatever quality he may be, shall dare to set fire to any mountain or grassy plain, under penalty, if he were Spanish, of 100 pesos de oro común, applied according as is said; and if he were a mestizo, mulatto, morisco, or Indian, he shall be given a hundred lashes and shall be banished for exactly three years from the place where he started such fire, and six leagues roundabout. And I command the justices who have particular charge of this to station constables and guards as it would appear necessary to them. 92

Another law relative to the conservation of the pasture lands was that which forbade anyone to plow up the commons in order to raise crops. This decree was issued by Charles V, in 1551, after he had heard many complaints about excessive prices of meat in the colony, due to lack of pasturage. Because of the "breaking up of the pastures and public lands, grass is lacking for the sustenance of the herd, and poor people cannot buy meat" The law provided that no commons were to be plowed up, and those that had been plowed were to be reduced to common pasturage.

91. Actas de Cabildo, VI, 364. Minutes of August 4, 1559.

92. Beleña, I, 62. Article 81 of the Mesta constitution of 1574.

93. Nov. Recop., lib. vii, tit. xxv, ley iv. A measure such as this would be well for our own time. We

The problem of regulating damages was equally as perplexing as that of conservation of the common pasture. Penalties for damages done by animals in the common lands varied widely, depending on time, place, and circumstance. In many instances the damage to crops was so heavy that the poor class of people believed it was not worthwhile to sow any crops. But the abundance of the arable land and the fertility of the soil in vast areas of New Spain more than compensated for any damages; the poor class raised crops despite damages and the colony made progress.

94

As early as May 21, 1540, the cabildo in Mexico City took the following action regarding penalties:

Inasmuch as the penalty has not been declared for damages done by herds going out from this city, which damage is done to the farms of natives and residents: in order to remedy and provide for the aforesaid, they order that whatever herds do damage to a farm of any other person, or to vegetable gardens outside of the common land shall pay a penalty, besides the damage, for each head of sheep, goats, or hogs, a cuartillo of silver for each head up to fifty head, if the damage is done by day; and if the damage is done by night, the penalty shall be doubled; and if there be above fifty head, the penalty shall be 3 pesos de oro común for those running by day and 6 pesos de oro común for those astray at night. 95

For herds of larger livestock such as mares, cows,

should never have been confronted with the dust storm problem, had the grasslands of our southwest remained unplowed.

94. Altamira y Crevea, Historia de España y de la civilización española, III, 515.

95. Actas de Cabildo, IV, 199.

steers, mules, and he-goats, the penalty for each head doing damage by day was 2 silver reals; and if the damage were done by night, for each head the penalty was 4 silver reals. These penalties were to be paid in addition to the damages. All these penalties were divided in accordance with the ordinances pertaining to the common pasturage.

The cabildo provided the machinery necessary for the collection of all penalties and damages. The inspector of common lands was to investigate all damages done by livestock from the commons, and was required to report all cases of damage to the majordomo.⁹⁶ In order to facilitate the collection of damages it became necessary for the cabildo to construct a special corral where beasts which had done damage were kept temporarily. In the cabildo meeting of August 3, 1587, the councilmen ... dealt with the great necessity of making a corral in the commons of this city where the herds should be kept which did damages and went against the ordinances; and in order that the aforesaid should take effect, they commissioned Francisco Guerrero Davila and Treasurer Juan Luys de Ribera to see that said corral should be made; and it shall be proclaimed in this city and take effect. 97

Numerous and rigid were the measures taken to prevent and regulate damages to crops, particularly crops belonging to the Indians. Cows, sheep, and goats were

96. Actas de Cabildo, VIII, 392-393. Minutes of July 13, 1579.

97. Actas de Cabildo, IX, 216.

not to be pastured where there were seeded fields or cultivated land; "neither shall the herd be taken within a half league for breeding, nor shall they make a sheepfold, under penalty of the ordinances and of 10 pesos de oro común."⁹⁸

Persons who planted crops were required by law to inclose them while the crops were growing, and until the harvest. If they did not fence in their crops, they were to guard them personally, or hire others to keep the livestock away from them. Owners of herds were not liable for damages done to crops if the crops were not fenced in. Crop raisers could not pen up or kill any livestock that strayed into their seeded fields. After the crops were taken off the fields were⁹⁹ to be opened to the common pasture.

Much damage to crops was done when the herds and flocks were changing from winter to summer pasturage, or vice versa. Crops of maize, chili, and kidney beans were planted in the middle of April and often were not harvested until late fall. The law required that livestock should be taken to the summer pasturage on the last day of March, under penalty of 10 pesos de oro común, applied according to the ordinances of the Mesta.

98. Beleña, I, 110. Ordinance of September 19, 1589.

99. Ibid., 110. Ordinance of April 6, 1576. Cf. Instituciones de derecho real de Castilla y de Indias, II, 175.

"And in case said herds should do some damage to seeded fields, above all things the damage shall be paid the owner of such seeded field." Some raisers of crops did not sow nor reap at the customary times in the spring and autumn, and the livestock could do no damage if the fields were not sown. The law provided that "in the parts where crops are not ... sown, and the herd can do no damage, they can pasture and move about, on going out from their estancias to the summer pasture, or on returning from them to the said estancias, without incurring any penalty." ¹⁰⁰

Licenses for moving flocks from one pasture to another were granted by the justices who were to be careful not to grant them when damages could be done, that is to say, during the growing season.

It is interesting to consider damage regulations which were in effect in Santiago, Lima, and Quito. In none of these towns was there any organization comparable to the Mesta in Mexico. In Lima and Quito the cabildos, each as a body, expedited all matters pertaining to the flocks and herds. In Santiago the situation was different: in the cabildo meeting on July 8, 1549, the following action was taken:

It is provided and accorded in this cabildo by said owners that one person should be taken from the council who shall take charge of all livestock in this city; he shall be paid a reasonable price for his services; he

100. Beleña, I, 46-47, cap. 50.

is obligated to regulate damages done by such beasts in his charge; and he shall brand them, and mark out the pasture lands where they shall go, and he shall take them there. ... No other person shall take part in pasture regulations and if an Indian should shoot any beast whatever with an arrow, his hand shall be cut off, and his master shall pay the damage done. 101

If the owners of crops in Santiago did not wish to collect any damages done to their crops by livestock, these damages were collected and turned over to the rents of the city. 102 On each estancia a corral was built in order that all herds which entered to pasture there could be corraled; if the beasts did any damages to crops they were penned up in the corral, and the penalties and damages fixed by the cabildo were to be paid before the animals were released; all fines, penalties, and damages were to be moderate. If any person penned up a stray herd in his corral, he was obligated to make it known to the owner of the herd. 103

In Lima the cabildo as a group passed ordinances and regulated all damages done by livestock. They ordained that no one should have sheep, hogs, or other livestock without carefully guarding them so that they

101. Actas de Cabildo de Santiago, llamado jeneralmente libro Becerro (from Colección de historiadores de Chile y documentos relativos a la historia nacional) 45 vols., Santiago, 1861-1889 (inclusive dates), I, 188.

102. Ibid., 188-189.

103. Ibid., 195. No fixed penalties are given in the minutes of the cabildo of Santiago. Apparently the cabildo used its discretion in determining the damages in each particular case.

could do no damage to crops. If the animals did any damage by day, the penalty was one-twentieth of the whole herd; if the damage were done by night, the penalty was a tenth of the herd. These penalties were applied, half to the damaged party and half for the benefit of public works of the city.

In order to collect damages with the greatest expedition the cabildo of Lima provided that a corral of the council be built near Lima, and that many other such corrals be built in different parts of the colony. In the cabildo meeting of January 27, 1556, the regidores dealt with the cases of much damage which many herds of this city did to crops of natives and of Spaniards, and other laborers and many residents even far from this city; and by being far away they do not take herds which do damage to the corral of this council, it is necessary to make other corrals of this council, in each valley where they shall take herds which do damage; and they shall be governed by the ordinances of this city pertaining to the corral of the council of this city.

Spaniards who resided in the valleys distant from Lima were to take charge of collecting damages to crops; they were to receive the herds, appraise the damages, collect and receive the penalties in accordance with the ordinances. Proceeds from penalties were used for the

104. Libros de Cabildos de Lima, I, 134. Cf. Vol. V, 329.

105. Libros de Cabildos de Lima, V, 390. Before making the corral for the city of Lima the councilmen ordered Señor Nicolas de Ribera, a regidor, to examine the site of the corral, to see if it were satisfactory, and to inform the cabildo at its next meeting. See Libros de Cabildos de Lima, IV, 453.

benefit of public works of the city. All damages and penalties were carefully recorded in the book of condemnations, and the damages were paid to the crop raisers. "And in order to take charge of said corrals, there shall be named a judge who shall carry the staff of justice to see that justice is done the natives as well as the Spaniards."

The two most fertile valleys where there were many cattle and sheep estancias were the valleys of Chancay and La Baranca y Parmonguilla. Special guards of these corrals were appointed by the cabildo of Lima: "in the valley of Chancay they named Gonzalo Gutierrez who on oath should faithfully guard this corral ... until the staff of justice should come around." The cabildo chose Francisco de Horteiga to guard the corral in the valley of La Baranca y Parmonguilla.¹⁰⁶ These men also acted in the capacity of alguaciles del campo. Each of these guards had a bondsman and was subjected to the residencia; the cabildo of May 22, 1556, provided:

In order that they shall faithfully guard the corral and make secure all herds entrusted to their care, they shall be subjected to the residencia. They also shall have permanent bondsmen who must make good any losses in herds entrusted to their care. ¹⁰⁷

In Quito the disposition of herds and flocks which had done damage was not so well worked out as it was in

106. Ibid., 453-454.

107. Ibid., 456.

Lima. The cabildo of Quito did not provide any guard over the herds pastured in the ejidos, and much damage resulted to crops of both Indians and Spaniards. The cabildo provided that "no person henceforth can sow within the boundaries of the ejidos, under penalty that if the herds should eat them, they do so without penalty on the herdsmen." But this was not so of crops outside of the ejidos:

if any damage should be done to them by any herd whatever, the owners of said herds shall pay the damages, under penalty for each head of cattle of 2 pesos de oro, and for every ten sheep, hogs, or goats, 10 pesos, applied half to public works and the other half to the person bringing suit 108

One of the most perplexing problems confronting all the cabildos was that of theft of livestock in the ejidos and on the estancias. The cabildo of Mexico City appointed a special official to take charge of all cases of theft. In the cabildo session of May 28, 1574, the councilmen provided that "there shall be a denouncer of those who take another's herds, or steals." They named Gomez Najera as such denouncer, who was to take special care that all the herds were examined. Cases of theft were to be tried by the justices and

108. Cabildos de Quito, IV, 201. Minutes of the cabildo meeting of March 15, 1549. It is interesting to notice that in many of the cabildo meetings in Quito nothing was done. When there was no business to be considered, the body simply met formally and was dismissed. It met irregularly, but averaged two meetings a week.

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deputies of the city. The denouncer of theft was to cooperate with the inspectors of the ejidos in investigating all cases of theft. He was to report the cases to the scribe of the cabildo after each visita to the commons.¹¹⁰ The scribe then referred the cases to the justices and deputies before whom they were tried.

Having considered the problem of damages to crops, estancias, and to the ejidos, it is well to give some attention to the shape, size, and sites of sheep ranches. Land ordinances were enacted at different times during the sixteenth century which determined precisely the shape and dimensions of sheep estancias. Although Viceroy Antonio de Mendoza laid the base of land policy in New Spain, he could not foresee all the land problems that arose later in the century; his ordinances did not provide for the solution of all questions which rose concerning the measurement and working out of boundaries of lands bought and sold; there were many irregularities in the granting of land titles. Thirty-one years after the land ordinances of Mendoza went into effect, or in 1567, Viceroy Don Gaston de Peralta, Marquis of Falces, revised, modified, and added to them, conversant with the needs of the time.¹¹¹ The ordinances

109. Actas de Cabildo, VIII, 113.

110. Ibid., 116.

111. Mendieta y Nuñez, El Problema Agrario de México, 38.

of Viceroy Peralta defined with all clarity the questions relative to the measurement of land, and the extension of new methods. On January 25, 1574, Viceroy Don Martín Enríquez expedited a new ordinance on agrarian measurements, and in 1580, another, clarifying points relative to the observance and proper interpretation of existing ordinances.

The land ordinance of 1567 of Viceroy Peralta is of sufficient importance to merit consideration in some detail. The result of various land ordinances passed during the century was that the peonía and caballería were no longer used as units of land measure; instead the following method of measuring land was adopted: as a unit for longitudinal measurement, the Mexican vara, which pattern was taken from the Castilian vara, or yard,¹¹³ of the standard of Burgos, was adopted. This measure comprised various subdivisions and gave place to other longer measures of length; but it is taken as a base to the measurements of sheep and cattle estancias.¹¹⁴ All kinds of land were measured with a cordel

112. Ibid., 39.

113. Charles W. Hackett calls it a "yard," adding "for measuring all kinds of land is the ordinary common yard, called the Castilian yard, which has four hand-breadths, and is that which is used by merchants." See Historical documents relating to New Mexico and approaches thereto, I, 177.

114. Mendieta y Nuñez, El Problema Agrario de México, 40.

which was fifty Castilian yards in length; it was to be drawn straight and as taut as possible when measurements were made.

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A farm site for sheep measured two thousand paces of Solomon (each five spans long) from east to west, and two thousand paces (also of five spans each) from north to south; from the center to any one of its four sides, one thousand of the same paces of five spans' length.

Reduced to common Castilian yards, this sitio de ganado menor measures from east to west, $3,333\frac{1}{3}$ yards, and the same distance from north to south; from the center to any one of its four sides measures $1,676\frac{2}{3}$ yards. This sitio, measured with a fifty-yard cordel, measures sixty-six cordeles, thirty-three and one-third yards, and has the same measurement from north to south; from the center to any one of its four sides it must measure thirty-three cordeles and six and one-third yards; this sitio must be measured in the same manner as the sitio de ganado mayor, 117 and from the

115. Historical documents relating to New Mexico and approaches thereto, I, 177.

116. Hackett translates "ganado menor" as "small cattle" and "ganado mayor" as "large cattle" and is somewhat in error. The terms are applied rather to two different types of animals: "ganado menor" means the small type and pertains to sheep, hogs, and goats; "ganado mayor" refers to the large type such as cattle, horses, and mules.

117. The sitio de ganado mayor measured five thousand yards from east to west, the same distance from north to south, and two thousand, five hundred yards from the center to any one of its four sides. See Historical documents relating to New Mexico and approaches thereto, I, 177. It contained forty-one caballerías, with 14,272 yards left over, which made a dwelling site of 119 and a scant one-third yards on each of the four sides. Cf. Beleña, I, 62-63, Article 82 of the Mesta constitution of 1574; see also pp. 65-66, 69, the Ordinance of June 18, 1580. Cf. Mendieta y Nuñez, El Pro-

center to any one of its four corners it must measure forty-six cordeles and thirty-three yards. If this sitio is reduced to caballerías, it must contain eighteen of them, and a building site of $366\frac{1}{3}$ yards. 118

The area of a sheep ranch $3,333\frac{1}{3}$ yards, or varas, on a side was 11,111,101 and one-ninth square yards (or varas) equivalent to 780 hectares, 27 areas, and 11 ¹¹⁹ centiareas.

A ranch for sheep-breeding (criadero de ganado menor) was smaller than the regular sheep ranch. It was a square plot of land one-fourth as large as the regular size sheep ranch; it extended $1666\frac{2}{3}$ varas on a side, with an area of 2,777,777 and seven-ninths square varas, equivalent to 195 hectares, 6 areas, and ¹²⁰ 77 centiareas.

These regulations were to be strictly adhered to. No person who was favored with the site of an estancia

blema Agrario de México, 44.

118. Ibid., 177-178.

119. Mendieta y Nuñez, El Problema Agrario de México, 41. A cattle estancia was a square 5000 varas on a side; its area was 25,000,000 square varas, equivalent to 1755 hectares and 5 centiareas. A ranch for breeding cattle (criadero de ganado mayor) was a square one-fourth as large as the regular estancia, or 2500 varas on a side, with an area of 6,250,000 square varas, equivalent to 1438 hectares, 90 areas, and 25 centiareas. Cf. Historical documents relating to New Mexico and approaches thereto, I, 179.

120. Ibid., 42. Note: one word is wrong on this page in Mendieta y Nuñez: ganado "menor" is meant, but ganado "mayor" is given. Cf. Historical documents relating to New Mexico and approaches thereto, I, 179.

was allowed to have more land, under penalty of loss of such estancia. The law provided further that "it then shall be demolished and the herd shall be taken out at the cost of the offender, and he shall pay 50 pesos de minas"¹²¹

It is interesting to consider the method of measuring the sitios. In measuring cattle estancias, first, 2,500 yards were to be measured along the east side¹²² toward the north, and another 2,500 toward the south. Then, on the west side there were to be measured 2,500 yards toward the north, and as many more toward the south. Next, on the north side 2,500 yards were marked off toward the east, and as many more toward the west. On the south side 2,500 yards were measured toward the west, and as many more toward the east. Similarly the sitio de ganado menor was to be measured, giving to each one the amount of land that belonged to it. In like manner the criadero was marked off.

In measuring the sitio de ganado mayor with a cordel of fifty yards length, fifty such lengths were to be drawn from the centre to any one of the four sides, thus giving the lateral bounds. On each side

121. Beleña, I, 63. Article 82 of the Mesta constitution of 1574.

122. Hackett translated this as "two thousand toward the south," but the document has "... y otras dos mil quinientos hazia el sur."

of the square plot were to be measured one hundred lengths of the cordel, each one-hundred length making 5000 Castilian yards, or a league. By measuring the sitio in these two ways it was made square and had four
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equal corners.

Measurement of estancias had to be in conformity with titles and grants of His Majesty, for in these grants were landmarks such as rocks, cliffs, canyons, lakes, streams, and very large stones. Although the level land was often saline and unfruitful, the most useful land level enough to be planted was sought out, even if it were partially covered with loose stones, or were on slopes or gentle hillsides, but not steep. No attention was paid to useless ground if it were small in quantity, unless it exceeded one-eighth of a caballería; if it did exceed the eighth of a caballería, it was to be compensated for in another place which was contiguous and unoccupied.

In this compensation attention was to be given to priority of grants or titles. When the center of the sitio was found there was to be measured first and with complete compensations for useless land whatever grant or title was found to be the earliest, though the priority might have been of only a day or an hour, after which

123. Historical documents relating to New Mexico and approaches thereto, I, 181. Cf. Mendieta y Nuñez, El Problema Agrario de México, 44.

the others came in turn, and the one with the most recent title had to be content with whatever was left, even if the land were of small extent and poor, for he had no other right. No person could oppose him who had the oldest grant. Also no person, although he had priority of grant or title, could take possession, measure, or set up landmarks, without having previously notified the settlers who had, or who represented those who had, lands contiguous to his.

Ordinarily the measurements were made from east to west, and north to south; but if any other agreement was made among the settlers concerned, the land could be measured in accord with any compact or agreement which they might make. The ordinance provided further:

In measuring these criaderos and sitios, the settlers must leave in whatever ones they measure a cross with arms, foot, and head; the foot and head of the cross must have the same length as the left arm, and from the extremities or ends of the arms of the cross the measurements must be equal, and the cross shall lie within a square with four equal corners, and the arms shall radiate from the center exactly toward the east, west, north and south. 124

If the lines were not drawn from north to south and from east to west, the regulation prescribing measurement from the middle still stood, no matter whether or not the measurement was made over rocks, cliffs, hills, ravines, lakes, or streams. And if lines of measurement

were covered with undergrowth there were to be constructed pathways, exits, entries, and other passages. All sitios were to be marked with landmarks.

An important section of the land ordinance of 1567 was that which provided that settlers were to leave without prejudice to each other ten yards of land for entries and exits, free from enclosure or boundary lines; if it were necessary, they were compelled to do so. No person was allowed to build a house on his boundary line, nor very close to it, on account of the injury which he might cause his neighbors, except in case he had the consent of his neighbor to do so. Without this consent a settler could not build his house closer than sixty
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paces from the boundary.

The land ordinances were revised and corrected in 1589. The basic principles of these ordinances were in use long before, doubtless having been in the ordinances of Viceroy Antonio de Mendoza, but with different values. The variations which agrarian measures suffered during the colonial period are important because they influenced greatly the agrarian problems of Mexico. In fact, due to such variations, much uncertainty was produced in the limits of private property, litigations were provoked, and the abuses of great land owners were

facilitated on small property in the Indian pueblos; when invoking the new and old measures, it was relatively easy to extend inherited property to another person. In each case, account should have been taken of each title in relation to the measures used in the epoch to which it corresponded.

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126. Mendieta y Nuñez, El Problema Agrario de México, 43. For a treatment of our land problem in the Far West and Southwest see U. S. Tariff Commission, The Wool Growing Industry, Washington, D. C., 1921, pp. 22, 150 et passim.

CHAPTER XI. WOOL PRICES AND PRICE TRENDS

In the markets of the natives in New Spain no woolen goods could be found. The Indians knew nothing of woolen products until sheep had been introduced by the Spaniards. The so-called "woolen tapestries" they made were not made of wool, but probably from the hair from deer and buffalo pelts. Although no woolen wares could be exposed for sale in their markets, they sold many other kinds of products. Cortés vividly describes the native market places in Mexico City in one of his letters to Charles V:

This city has many public squares, in which are situated the markets and other places for buying and selling. There is one square twice as large as that of the city of Salamanca, surrounded by porticoes, where are daily assembled more than sixty thousand souls, engaged in buying and selling; ... Different kinds of cotton thread of all colors in skeins are exposed for sale in one quarter of the market, which has the appearance of the silk-market at Granada, although the former is supplied more abundantly. Painters' colors, as numerous as can be found in Spain, and as fine shades; deer-skins dressed and undressed, dyed different colors; earthenware of a large size and excellent quality; ... finally everything that can be found throughout the whole country is sold in the markets 1

That they were accustomed to raising cotton and manufacturing cotton cloth, and that they knew something of the use of dyes are significant. After the Spaniards introduced sheep, the natives who had former-

1. Folsom, The Despatches of Hernando Cortés, 112-114. The best description of articles used as media of exchange by these natives is to be found in Thomas Athol Joyce, Maya and Mexican Art, New York, 1927, pp. 147-165.

ly worked with cotton readily learned the art of producing woolen cloth and clothing.

In the native market places exchange was to a large extent on a barter basis. Crude media of exchange such as cocoa beans, quills filled with gold, beads or other trinkets were sometimes used. It was upon this native civilization that the Spaniards superimposed their culture.

The Spaniards imported both the coarse-wool and the merino, or fine-wool sheep. After civil administration got under way during the viceroyship of Antonio de Mendoza, many Spanish markets were established. These markets were equally as elaborate as those of the days of Montezuma. All kinds of woolen products and the flesh of sheep soon were to be found in the Spanish markets. Mutton was one of the main food staples; woolen blankets and clothing were put on the market in great quantities, sufficient to supply the residents of New Spain and to export to Peru and to the mother country.

The problem of supplying the populace with mutton and of regulating mutton prices needed the constant attention of the cabildo. We have already noted ² that mutton was supplied the city by a mutton contractor who was directly responsible to the cabildo for all his

2. See above, p. 253.

acts. The cabildo minutes indicate, however, that the regidores were confronted by the problem of finding the best quality of mutton at the most reasonable price. In the cabildo minutes for the meeting of November 7, 1578, it is noted that,

Today the cabildo was called together in order to deal with the means by which they could know of the quantity of sheep which are in this land, and at what price they can be bought ... in order to provide for the meat supply of this city. Also they discussed the source of money in order to buy it; and having agreed on conformity, they named Antonio de Carbajal and Gerónimo López, regidores, as persons who understood it so well, and had much knowledge of the land, in order to be informed in what part of the land said flocks were, and at what prices they could be bought 3

These two men were to make the necessary investigation and report their findings to the cabildo in order that the matter could be taken up with the viceroy.

From 1536 on, the figures in the cabildo records indicate no discoverable trend in mutton prices, nor is there consistency in the unit of weight of mutton. Ordinarily mutton was bought by the carcass, kid by the quarter, and salt pork by the side.⁴ From 1536 to 1575 mutton was retailed in the local markets by the arrelde; after 1575 it was sold by the pound. Figures

3. Actas de Cabildo, VIII, 359.

4. Hamilton, American Treasure and the Price Revolution in Spain, 150-151. Cf. Actas de Cabildo, IV, 255. Minutes of October 14, 1541. Swine sold for a denier (416 centimos). For this same price a large sheep or twenty chickens could be bought. See Ternaux-Compans, Recueil de pièces relatives à la conquête du Mexique, X, 209.

are available on the prices of sheep at irregular intervals from 1545 through the end of the century: in 1545 sheep sold for 2 reals each;⁵ by October 9, 1554, each head of sheep sold for 4 tomines;⁶ by 1557 a small sheep with which was included the feet, head, entrails, and stomach cost a silver real;⁷ on August 11, 1578, the cabildo received

an order from the royal audiencia by which it is ordered that this city from its own rents shall pay to Juan de Fonseca, a resident of Tulancingo, for the value of 5470 sheep which he gave to Francisco de Zamudio, constable, for the supply of this city, 500 of which at a consideration of 5 tomines each, and the others at 5 tomines and 2 cuartillos; and not paying it, they shall be prosecuted.⁸

All sheep-owners were required to register their flocks before the scribe of the cabildo in order that the regidores could know how many sheep each had, and whether or not any had been sold.⁹ No owner of sheep was per-

5. Bancroft, History of Mexico, II, 553, note 42.

6. Paso y Troncoso, VII, 266. By 1550 a mule valued at 15 to 20 pesos previously would then bring up to 70 pesos. See Ternaux-Compans, Recueil de pièces relatives à la conquête du Mexique, X, 351. Cf. Bancroft, History of Mexico, III, 615, note 46. In the middle of the sixteenth century, two hogs in Peru cost 8000 livres, a camel 35,000, an ass 7,700, a cow 1,200, and a sheep 200 livres. These prices were enormous, proving the scarcity of the animals sold, and indicating an abundance of precious metals. Humboldt claims that "General Belcalazar who had purchased a sow at Buza for 4000 francs could not resist the temptation of eating her at a feast. Such was the luxury that prevailed in the army of the conquistadores." See Political Essay on the Kingdom of New Spain, III, note on p. 51.

7. Actas de Cabildo, VI, 267.

8. Actas de Cabildo, VIII, 351.

9. Actas de Cabildo, IV, 189. Minutes of February 17, 1540. Cf. p. 74.

mitted to sell the animals without special permission and license from the proper authorities. The cabildo minutes of October 31, 1578, declare

... that a decree had been pronounced in the royal audiencia which related that one Alonzo Gonzalez sold sheep freely as he should wish, which was an injury to the public; it is necessary to command in the royal audiencia, in order to remedy it, that he should be taken before the alcaldes ordinarios 10

In the same meeting the councilmen discussed the mutton supply for the coming year, 1579, and decided to call the caballeros regidores together within eight days, "in order that all might deal with, and provide what is necessary."

Although mutton prices fluctuated widely throughout the sixteenth century, the consumers constantly complained about the high cost of living. There doubtless were several reasons for wide variation in mutton prices. Sheep and cattle were sometimes slaughtered indiscriminately for their hides and tallow; from the hides leather was made, which was essential to the mining industry; candles were made from the tallow, another necessity to the miners. When only the hides and tallow were used, beef and mutton prices were very low. Indiscriminate slaughter of livestock for hides and tallow sometimes led to great scarcity, and almost to extermination of the herds and flocks in certain localities. Locally, then, prices

at times were exorbitant because of this scarcity. The consumption of mutton and beef among the inhabitants of New Spain was high, and those who had to buy these commodities were unceasing in their complaints about prices, particularly during general price upheavals.

Quotations on mutton prices are scattered throughout the cabildo records of Mexico City; data are sufficiently abundant and varied to gauge satisfactorily the prices of mutton from 1536 on. An examination of these prices, however, indicates no discernible trend, but shows considerable fluctuation. Notable also is the fact that mutton and beef were sold by the *arrelde* of 4 pounds from 1536 to about 1575; during the last quarter of the century, the cabildo records indicate that mutton was sold by the pound.

The prices of beef and mutton after 1536 are recorded in the cabildo minutes of the town council of Mexico City; these prices merit an examination in some detail. In the late 1530's, prices of beef and mutton were relatively high. The cabildo minutes of July 17, 1536 record that the city meat contractor, Gonzalo Gómez de Castillejo, had agreed to supply the city with beef, mutton, and pork, at 10 maravedís per *arrelde*, for the year 1536.¹¹ That the price of mutton was higher in

11. Actas de Cabildo, IV, 29.

1537 is indicated by the fact that on February 15, of that year, the regidores questioned the contractor, Castillejo, concerning the possibility of supplying mutton during the Lenten season "to those suffering and persons who are in sickness ... at the price of the past year." The contractor replied that he could not do so because his obligation for the year 1536 had ended, "... and therefore this city decided that he could supply it at the price which he should find."¹²

On November 13, 1537, the cabildo provided that no charge was to be made for entrails, heads, and tongues. The minutes of the meeting on that date read in part:

Today, inasmuch as many people complain that entrails, tongues, and heads are charged for by the contractors in the slaughterhouses, ... it is declared that the contractor shall be notified to give all said entrails, heads, and tongues entirely, ... under penalty in accordance with the ordinance concerning those who sell a thing for more than its real value¹³

On January 25, 1538, the cabildo because of public complaint took the necessary action to regulate prices on certain commodities imported from Castile, and to prevent monopolies in New Spain. Conditions are described in the cabildo minutes as follows:

Inasmuch as many persons complain because of the dearness of things from Castile as well as from this land, because those who buy and resell, buy in advance and hold the goods in their possession in order to procure said excessive prices ... Garcia de Moron, a mer-

12. Ibid., 71.

13. Ibid., 106.

chant in this city, with other companies ... buys and procures all the herds of the land so that another person cannot have the possibility of being a contractor to supply meat in the slaughterhouses at a lower price than at present; and as a result the public of this city receives much injury and loss. Garcia de Moron ... came to this city to sell wool ... and is publicly notorious. It is worse in Vera Cruz where goods arrive from Castile. 14

In order to remedy these conditions for the public good the cabildo ordered Señores Luys de la Torre and Francisco de Terrazas, alcaldes ordinarios of the city, "each and jointly with Gonzalo Ruyz, regidor of this city, to make information of the aforesaid." They also ordered Bernardino Báñez de Tapia, proctor of this city, to present witnesses to bear the necessary testimony.

On March 11, 1539, beef was quoted at 15 maravedís per arrelde; mutton, at 12 maravedís per arrelde; and pork at 14 maravedís per arrelde; tallow sold for 12 reals per arroba.¹⁵ The cabildo records indicate that on March 21, 1539, beef and pork sold at 12 maravedís per arrelde, "and no lower price shall be received ... unless it be auctioned on the first Monday which is convenient; and they shall set such prices according to ... conditions of the city."¹⁶ These quotations indicate a sharp rise in prices of these commodities in the late

14. Ibid., 118-119.

15. Ibid., 164. Minutes of March 11, 1539.

16. Ibid., 164. Minutes of March 21, 1539.

1530's.

In the early 1540's, however, there was rapid decline in meat prices. In the cabildo minutes of the meeting of March 21, 1542, beef and mutton are quoted at "4 maravedís of good money per arrelde"; pork was priced at 8-1/2 maravedís per arrelde. An arroba of tallow sold for 4 silver reals, and tallow candles at a silver cuartillo per pound.¹⁷ In the cabildo meeting of March 28, 1542, the prices of mutton, beef, and pork were the same as of March 21.¹⁸ The viceroy was the final arbiter in all controversies over meat prices. By March 15, 1543, the price of mutton, beef and pork had fallen very low, the quotation being one maravedí per arrelde.¹⁹

In the late 1540's the trend of meat prices was up-

17. Ibid., 274. On July 10, 1544, the cabildo set the price of tallow at one peso for an arroba, and a pound of tallow candles at a half real of silver. See Vol. V, 55. By March 19, 1548, tallow was sold in the slaughterhouses at an arroba for 6 reals. See Vol. V, 211. On June 21, 1549, the cabildo fixed the price of tallow at an arroba for 7 tomines. See Vol. V, 261. By January 8, 1557, an arroba of manufactured tallow cost 2 pesos and 3 tomines. See Vol. VI, 267. On January 27, 1592, an arroba of sheep tallow was priced at 3 reals, and beef tallow at 9 reals. See Vol. X, 143. Tallow was scarce by October 30, 1592, and sold for 14 reals per arroba. See Vol. XI, 36. On March 11, 1593, sheep tallow still cost 14 reals per arroba, and beef tallow sold at 10 reals. See Vol. XI, 88. Hides and tallow were shipped to Spain and many fortunes were made from these products. See Carrier, 110.

18. Ibid., 276. By March 28, 1542, an arroba of tallow cost 6 tomines (one-third of a drachm), and 2-1/2 pounds of tallow candles cost a silver real.

19. Ibid., 333.

ward. In the cabildo session of August 29, 1547, the town councilmen

discussed provisions concerning regulations of meat prices for the year 1548, because many times this year (1547) they have not been abided by nor has any person been obliged to evaluate the herds, or post prices of meat. Since the public talks so much about the prices which ought to be put on beef, mutton, and pork for said year of 1548, it seems that in order to ascertain said prices at present they should weigh steers, sheep, and hogs which are killed. ... They ordered that memoranda be made of residents of this city who breed said herds in order to have the truth about all 20

On April 5, 1548, Diego de Logrono, the city meat contractor, agreed to furnish the meat supply at 8 maravedís per arrelde of beef, and at 12 maravedís per arrelde of mutton. He agreed further

... in order to serve this city and for the public good I shall give beef to all the poor people of this city ... at 4 maravedís per arrelde at present, in compliance with what is said by our illustrious viceroy. A table for it shall be placed in the spot pointed out by the viceroy, and corrals for these beasts (for the poor) shall be made by the slaughterer 21

In the cabildo meeting of April 26, 1548, Pedro de Billegas recommended the following prices:

beef at 6 maravedís per arrelde;

mutton at 8 maravedís per arrelde;

pork at 12 maravedís per arrelde.

The prices suggested by Bernaldino de Albornoz were lower on mutton and beef as follows:

20. Actas de Cabildo, V, 186.

21. Ibid., 212.

beef at 5 maravedís per arrelde;

mutton at 6 maravedís per arrelde;

pork at 12 maravedís per arrelde.

The regidores consulted Viceroy Mendoza in order to ascertain what was necessary and proper for the good of the public in the matter of meat prices.²² They kept in mind the welfare of all concerned. The herdsmen and flock masters were to receive just and reasonable prices for their livestock, and the contractor was to provide the public with meat at a fair cost. In the cabildo session of October 22, 1548, the regidores

... talked about the disorders which there are in the sale of sheep testicles, and beef hearts; because they should be sold at a lower price they ordered that henceforth each testicle should be valued at 4 maravedís, and beef hearts at 4 maravedís. They ordered that this be communicated to sheep raisers and slaughterers.²³

On March 19, 1551, the cabildo took special action to insure correct weights in meat. The councilmen ordered the deputies to make or provide the weights and deliver them to the meat contractors and cutters. Weights were to be accurate and honest in order that the public would not be defrauded and "that it may conform to the price." Deputies who neglected this duty were fined 20 pesos de minas, besides any profits they may have taken dishonestly, "and let it be upon is con-

22. Ibid., 213.

23. Ibid., 232.

science" ²⁴ Accurate weights were essential to just prices.

On April 6, 1551, the town councilmen discussed numerous public complaints about excessive prices of mutton, kid, veal, and lambs. What seemed worse still to them was the fact that the meat contractors bought herds and flocks of inferior quality for the provision of the meat supply. Consequently the public received great damage and loss; it was impossible to purchase good cuts of meat in the markets. The cabildo, thereupon, ordered that no one could have in his slaughterhouse meat of inferior quality, under penalty of loss of all the meat and 10 pesos de minas for each time he should do to the contrary. ²⁵

In 1551, breeders of livestock, and no other persons, were permitted to bring their sheep, goats, lambs, and veal calves into ²⁶ certain public squares of the city for sale.

In 1556 beef was quoted at 4 maravedís of good money per arrelde, but no quotations are available for mutton, veal, and pork. The cabildo records indicate that these delicacies were to be sold "under the conditions and at the prices of the past year, and it shall be proclaimed every three days over a period of nine

24. Actas de Cabildo, VI, 16.

25. Ibid., 16.

26. Ibid., 17.

days²⁷

The price of mutton rose so sharply and was so excessive by April 1, 1557, that the audiencia took the necessary action to moderate it. The minutes of the cabildo record "that said price has been excessive and has caused great loss and injury to the people because the price of mutton was 22 maravedís of good money per arrelde." The minutes further record significantly that

such prices are an injustice in a land having such an abundance of mutton, and it is just that they be looked into in order that poor people shall not suffer. And the royal audiencia residing in this city, its president and oidores shall hold the government of this kingdom in accord with this notice²⁸

From 1576 on, mutton and beef prices are quoted in the cabildo records of Mexico City by the pound rather than by the arrelde. On May 4, 1576, the mutton²⁹ quotation was a tomin for 9-1/2 pounds. Nearly a year later, on March 27, 1577, the cost of mutton was slightly higher, being 8 pounds for a tomin; at the same time beef sold at 17 pounds for a tomin, and no person³⁰ was allowed to alter these prices.

By 1588 meat prices had changed slightly: 18

27. Ibid., 213. Meeting of the cabildo on February 27, 1556.

28. Ibid., 279.

29. Actas de Cabildo, VIII, 278. No quotation is available for beef.

30. Ibid., 278. Minutes of the cabildo of March 27, 1577.

pounds of beef cost a real; 5 pounds of mutton sold for the same price.³¹ The next quotations available in the cabildo records are for the year 1593. In that year, from New Year's day until Ash-Wednesday, beef sold at 16 pounds for a real; and mutton, 6-1/2 pounds per real. From Ash-Wednesday through the rest of the year the price of beef was 17 pounds per real; and that of mutton, 6-1/2 pounds per real. The contractor had to give³² bond of 2000 pesos.

Equally important as the sale of mutton and the regulation of mutton prices is the marketing of wool and woolen cloth. We have seen that mutton prices fluctuated widely and that no meat price trend is discernible in the sources. This is not true, however, of wool and woolen goods. Great quantities of woolens were shipped to Spain and Peru and wool prices were fixed by the Spanish market. Fortunately, the data are sufficiently abundant to gauge prices on woolens shipped from New Spain and Peru to the parent country. The trend of wool prices on the Spanish market was steadily upward throughout the sixteenth century. This is true also of prices in New Spain and Peru.

In New Spain, woolen goods were retailed in local

31. Actas de Cabildo, IX, 255. Minutes of February 26, 1588.

32. Actas de Cabildo, XI, 88. Minutes of March 11, 1593.

stores operated by wool merchants who had to secure a license and give bond before going into business.

These merchants did not deal exclusively in woolens; they sold silk, linen, and other articles. The minutes of the cabildo of Mexico City, for the meeting of October 6, 1553, declare that,

... whosoever shall build said stores and deal in woolens, silk, linen, and other things shall give bond to this city, written and secure, that he should pay ... to the amount of 4000 pesos de oro común ... and before giving said bond, and without a license from this city, he cannot have said stores, nor sell, nor use them in any manner, under penalty to whomever should do the contrary of perpetual privation from said dealing and from said store. And it is understood that those having stores and dealing at present shall obtain said license within the first thirty days following; and not getting said license within said time, he cannot deal in woolens nor have a store under said penalty 33

Sheep-raisers frequently complained because of low prices they received for their wool, and some of these complaints were sent to the Spanish monarch. On January 20, 1548, Jerónimo López wrote to the king concerning impediments and injustices in the new lands. In this letter he emphasized the fact that wool producers did not receive fair prices for their product,³⁴ and exhorted the monarch to effect a remedy.

33. Actas de Cabildo, VI, 114.

34. Paso y Troncoso, V, 70. The prices of imports and exports of New Spain, with the exception of the precious metals, were arbitrarily controlled by the merchants of Seville, and later of Cadiz. The drainage of wealth from America was increased because of the decadence of manufacturing industries in Spain. Riches poured into Spain from the colonies and made labor almost unneces-

The wool industry in New Spain flourished rapidly. Local trade in wool kept increasing in volume. Individual wool merchants frequently bought wool in great quantities. On October 9, 1554, Luis Alvarez, a wool merchant, purchased one thousand arrobas of wool at a cost of a peso de oro común per arroba.³⁵ This throws light on the quantity of wool bought in an individual lot.

Not only did the local woolen trade flourish, but wool in increasing quantities was shipped from New Spain to the parent country and to other parts of the world. Altamira y Crevea, quoting from Alonzo Margado, from his History of Seville, printed in 1587, speaks of the flourishing trade and commerce of all Europe by communication with other parts of the world, especially with the Indies.³⁶ On September 25, 1580, Viceroy Enríquez wrote the following to the Count of Coruña, concerning the manufacture of woolens in New Spain:

For a short time also I have begun to deal with some merchants from this realm who have communicated with me concerning the shipping to Spain of woolens which are manufactured here, to whom I said that they could be certain that it would be a business of importance, because the wool from here is selected and it in-

sary; consequently there was a general decline in industry in the Peninsula, and Spain had to resort to foreign markets. See Bancroft, History of Mexico, III, 628-629.

35. Paso y Troncoso, VII, 267.

36. Historia de España y de la civilización española, III, 456.

creases daily; and it is not just to impede anything whatsoever which is or could be of service to His Majesty, and for the increase of the realms. 37

All woolens exported from New Spain were to be registered before being loaded on the ships. Careful accounts of all exports and imports were kept in order that the almojarifazgo could be collected for the benefit of the realm. Any exporter who did not properly register his goods was liable to heavy fines and penalties. 38

Trade with China and the East Indies was carried on exclusively, from the Philippines to New Spain, by the Manila galleon. The voyage of the galleon, which was allowed to anchor at Acapulco, in the early days took five or six months, but due to advances in the art of navigation the time was cut down later to three or four. A limitation was put on the value of the cargo; it was not supposed to exceed 500,000 pesos in value, but it usually brought a million pesos worth of goods to New Spain and sailed back to the Philippines with one and one-half million to two million pesos in silver, and a small cargo of cochineal and cacao beans from Guayaquil and Caracas, and oil and woolen goods. 39

37. Instrucciones que los vireyes dejaron a sus sucesores, 245-246.

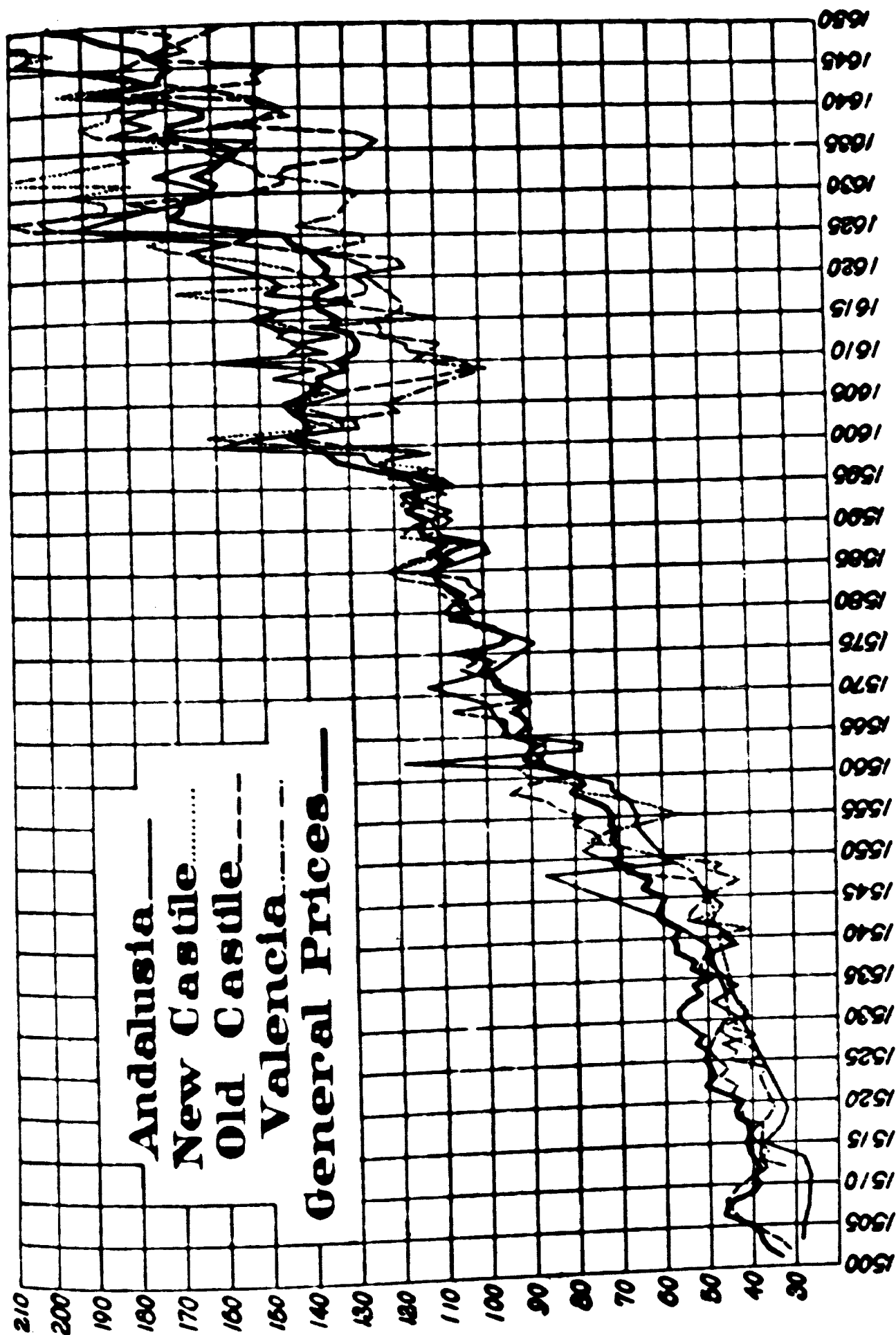
38. Teatro de la legislación, XIX, 29. Law of Philip II, 1562.

39. Zabre, Guide to the History of Mexico, 179. For an adequate treatment of trade between New Spain and the Philippines see William Lytle Schurz, The Manila Galleon, New York, 1939.

Keeping in mind that the early Mexican woolen trade soon extended to many distant quarters, it is desirable to study wool prices and price trends and to attempt to discover the reason for such trends. The same factors that had favored the sheep-owners in Spain could be found in New Spain: aridity, a mild climate, and mountainous topography made the pastoral industry a basic element in the economy of New Spain, and the consumption of raw and fabricated animal products was correspondingly great. The following commodities are included in the animal group; beef, butter, tallow candles, cheese, kid feet, lamb feet, kid, lambs, lard, milk, mutton, fresh pork, salt pork, rabbits, sheep-skins, tallow, veal, and wool.⁴⁰ The prices of all these commodities were fixed according to quotations on the Spanish market.

It is interesting to notice that prices of wool and other commodities obtained from the pastoral industry differed in different parts of Spain. In no two regions were they the same for a very long period of time. It is desirable to compare graphically wool prices in Andalusia, New Castile, Old Castile, and Valencia; these prices are indicated by the graph on page 412; this graph also shows the price trend of animal

40. Hamilton, American Treasure and the Price Revolution in Spain, 227.



Graph showing the trend of wool prices in maravedis per arroba on the Spanish market from 1500 to 1650

41

products in general. The prices of wool and other animal products moved in striking harmony with those of commodities in general during the first half of the sixteenth century. From the late 1540's to about 1560 the price of animal products rose sharply, particularly in Old and New Castile. The period of the greatest relative upswing in prices of animal products corresponds with a precipitate decline in the size of the migratory herds in Spain. From 1560 to the middle of the seventeenth century inflation coupled with scarcity of the flocks determined the upward trend of wool prices.

42

From the graph on page 412 we see that wool prices went steadily upward. There were temporary periods of recession but, in general, the trend was upward from 1500 until the middle of the seventeenth century. The dearth of woolen products was due in part to certain forces governing the value of goods. The Cortes of 1528 maintained that exported hides had caused high shoe prices and advocated prohibition of the slaughter of lambs and calves for periods of two and four years respectively. In 1537, the Cortes recommended that the slaughter of lambs and calves be prohibited because of

41. Ibid., 228.

42. Ibid., 229. This is true for wool and the joint products of wool.

high meat prices. To combat the rising cost of woollen cloth a statute of April 22, 1552, interdicted regrating in wool; on the following day the sale of livestock which had been acquired in an identical condition was forbidden. The Cortes of 1537 attributed the phenomenon of dear wool prices to excessive pasture rents; but a petition of the Cortes of 1548 informed the Emperor that "in the last few years the heavy purchases of wool, silk, iron, steel, other merchandise, and provisions by foreigners" had forced prices exorbitantly high. This insufferable dearness of commodities was ascribed to the brisk American trade⁴³ and in 1548 the Cortes petitioned the Emperor to encourage the founding of colonial industries to manufacture wool, hides, silk, and other raw materials; attempts were made to render the colonies self-sufficing in manufactures. Acts were passed to restrict the exportation of many commodities from Spain. Numerous statutes and parliamentary petitions attributed the high cost of wool and other animal products to the indiscriminate slaughter of calves and lambs, to exports of livestock, and to engrossing and regrating in live animals, especially when combined with forestalling or with credit sales; high wool prices were partly ascribed to the machinations of

43. Ibid., 285.

brokers in fairs and markets.

Authorities attribute high prices to the great output of gold and silver in the Indies. According to Luis Saravia de la Calle, "the principal determinates of whether an article is cheap or dear are the quantity of money and the number of buyers." Saravia contended further that high prices of goods in the realm were traceable to usury which forced merchants to raise prices in order to recoup their expenses. Another authority, Tomás de Mercado, in 1569, apparently failed to mention the heavy output of the Mexican and Peruvian mines as a cause of the Price Revolution in Spain, and ascribed the upheaval of prices to the brisk American demand for goods produced in the parent country.⁴⁵ As early as 1558 Francisco López de Gómara was of the opinion that "the great quantity of silver and gold which has come to us from the Indies" was responsible for rising prices. Prudencio Sandoval in his Historia de la Vida y Hechos del Emperador Carlos V (1604-1606) concurs with Gómara⁴⁶ that Indian treasure was a price determinant.

According to Hamilton, the first person to demonstrate by careful analysis that the American mines were the principal cause of the Price Revolution was Jean

44. Ibid., 286.

45. Ibid., 290.

46. Ibid., 292.

Bodin, in his Response au Paradoxe de Malestroait Touchant l'Encherissement de Toutes Choses, published in 1568.⁴⁷ In 1619, Sancho de Moncada, basing his ideas mainly on the work of Bodin, stated that American gold and silver called forth the Price Revolution. Moncada, as Professor of Theology in the University of Toledo, enjoyed great prestige among Spanish economists and his ideas concerning the rise in prices became generally accepted. Other leading Spanish economists reasoned that, with the increase in trade and the influx of gold and silver from New Spain and Peru, money became more plentiful in Spain and consequently prices rose steadily.⁴⁸

This upward trend in prices of wool and woolen products was noticeable throughout the Spanish empire. The actual figures on wool prices in New Spain, Peru,

47. Ibid., 294.

48. John Smith, Chronicon Rusticum, Commerciale, or Memoirs of Wool, & being a collection of history and argument, concerning the woolen manufacture and woolen trade in general; particularly the rise, progress, improvements, declensions, revolutions, and the respective causes thereof (with a view to the different prices of wool, at certain distant periods) in England; as given by a succession of writers, from ancient down to the present times. Also an account of the several laws, from time to time made, and of many schemes offered, for preventing the exportation of raw wool; likewise of other expedients for preserving, and promoting the interest of the kingdom, in that commodity manufactured: with occasional notes, dissertations, and reflections upon the whole. 2 vols., London, MDCCXLVII, I, 104.

and other parts of the empire are scant and widely scattered. The general trend of wool prices can be studied from the graph on page 412.

Data on wool prices in Lima are not at all abundant, and vary so widely that they aid very little in gauging satisfactorily price trends. Some interesting figures are available on the cost of certain kinds of woolen clothing, and deserve to be mentioned. On April 3, 1535, a woolen coat with two back-stitchings cost 4 pesos;⁴⁹ by January 9, 1539, the price had lowered to 2-1/2 to 3 pesos. A woolen dress coat with certain decorations cost 3 pesos in 1535; by January 9, 1539,⁵⁰ the price was reduced to 2 pesos. In 1535, a short military jacket of wool cost a peso; by January 9,⁵¹ 1539, the price was lowered to one-half peso.

Statistics on mutton prices in Lima are not at all abundant and are of little value in studying price trends. As in New Spain, mutton was usually sold by the quarter, weighed by the arrelde.⁵² Petitions were presented to the cabildo by sheep-owners seeking licenses to slaughter sheep at a fixed price per quarter.⁵³ In the cabildo meeting in Lima on October 3, 1567,

49. Libros de Cabildos de Lima, I, 28.

50. Ibid., 38.

51. Ibid., 39.

52. Libros de Cabildos de Lima, VI, part I, 56.

53. Ibid., part II, 273.

Senor Bernardo Ruiz, alcalde ordinario, said that in this realm there has come a great increase in the multiplication of flocks of Castilian sheep in such a manner that, at present, sheep are lowered in price ... henceforth in all markets each quarter shall sell for two tomines. 54

Data are inadequate in Quito to show any price trends of woolens. In that colony, as in New Spain and Peru, the cabildo had a voice in the regulation of prices in local areas. On April 2, 1573, the cabildo of Quito fixed the price of mutton at 5 granos de plata per arrelde. A quintal of tallow was priced at 4 pesos.⁵⁵ These specific instances do not indicate any trend.

We have seen that no trend was discoverable in mutton prices in New Spain. Prices on this important staple tended to fluctuate depending, in the main, on local demand and conditions; when the animals were slaughtered indiscriminately for their hides and tallow, mutton was low in price; when the beasts became scarce in local areas because of indiscriminate slaughters mutton prices rose sharply.

A definite trend has been noticeable in the prices

54. Ibid., 514. Tallow candles were selling in Lima, in 1553, at 2 tomines per pound. See Vol. V, 23.

55. Cabildos de Quito, VI, 23-24. The cabildo records of Quito throw some light on prices in Ecuador during the colonial period. The best study for prices in Chile is that by R. Julio Alemparte, "La regulación económica en Chile durante la Colonia," from Anales de la Facultad de Ciencias Jurídicas y Sociales, II, 65-90, 147-193.

of wool and woolen goods that were thrown on the Spanish market. In studying the price behavior of these leading commodities authorities have agreed generally that the steady upswing in prices was due to successive impacts of steadily increasing imports of precious metals from America. Prices not only of woolen products, but also of commodities in general, rose because of the abundance of gold and silver from the American mines.

Mutton prices, however, did not rise correspondingly with other products from sheep. Prices of wool and woolen articles rose steadily, but mutton prices fluctuated, depending on immediate supply and demand. The reason for this is fairly obvious: wool could be kept for an indefinite period of time; mutton had to be consumed immediately, because there were no means of preserving it for future use. When sheep were slaughtered in great numbers mainly for the pelts and tallow to be used in the mines, mutton prices went down. If the flocks became scarce in any given locality, mutton prices temporarily rose. Mutton prices, therefore, were determined largely by local circumstances.

CHAPTER XII. EXPANSION DURING THE CLOSING DECADES

Progress in the pastoral industry toward the end of the sixteenth century can be studied best by examining the governing document which regulated the sheep- and cattle-owners. That there was great expansion in livestock raising is evidenced by the fact that existing ordinances in the Mesta constitution of 1537 were revised, and many new amendments were made. This instrument provided protection to all persons engaged in the pastoral industry; it established justice among the herdsmen. It was flexible and could be adapted to changing circumstances. In 1574 the Mesta constitution was greatly altered and broadened to expedite matters pertaining to the pastoral industry.

The wool industry in New Spain moved forward steadily throughout the sixteenth century. To be sure, there were temporary periods of recession, but in general the place of the sheep-raisers became increasingly important in the economy of New Spain. According to Cuevas, by 1530, the total production of wool in the new colony had been twelve thousand arrobas.¹ Rapid expansion of the grazing industry made new demands upon government.

Progress in the wool industry was more rapid, how-

1. Mariano Cuevas, Historia de la Nación Mexicana, Mexico, 1940 (ed.), p. 284.

ever, toward the close of the sixteenth century. A traveller in Mexico in 1572 asserts: "... they have great increase in sheep in like manner (to cattle). ... They have much wooll and as good as the wooll of Spaine"² With the increase of population, and the development of stock-raising and mining, wealth and luxury had assumed magnificent proportions by 1580. According to Wilgus, in 1580, a large percent of the population engaged in the raising of sheep and cattle.³ Grazing was fostered by legislation, and toward the close of the century stock-raisers in New Spain were able to compete successfully with the old country.

In the sixteenth century, before the interior consumption had been augmented by the number and the luxury of the whites, New Spain supplied Europe with more hides than at the present day. Father Acosta relates that a fleet which entered Seville in 1587, carried 64,340 Mexican hides.⁴

In 1580, Viceroy Martín Enríquez took the necessary action to put the wool industry on a more efficient and productive basis. Discussing a temporary depression which the industry had suffered, he tells of his efforts to improve the situation:

Likewise it appears to me that trade in wool would be profitable in this land, as well to His Majesty as to those who deal in it, and also to the Indians who

2. Carrier, 111.

3. History of Hispanic America, 142.

4. Humboldt, Political Essay on the Kingdom of New Spain, III, 49, note 13. Cf. Mecham, Francisco de Ibarra y Nueva Vizcaya, 209-210.

produce it; but indeed I can say that it cost me much work, because when I came here I found this benefit so fallen and out of order, and when two or three thousand arrobas were registered it was much; and because of this the Indians were so lax, as I have said, and had not taken any care. Thereupon I took it and put it to the point where it now is, sending a judge to register it, and a justice in the towns where it was produced, who made the Indians work with diligence in the wool mills. And it had increased to such an extent that Your Majesty would find registered more than 12,000 arrobas some years. 5

Another viceroy who took an active interest in the wool industry was Don Luis de Velasco, the Second; he was a son of the former viceroy of the same name. Upon entering his office as viceroy, the first undertaking which preoccupied his mind was the protection of industry. He arranged that many wool mills which had been established by Viceroy Antonio de Mendoza in New Spain should be reopened and put to active work at spinning and weaving wool. Some mills had remained closed and paralyzed because of the intrigues and schemes of certain merchants who were prejudiced because they were hindered in making great profits in this industry. The viceroy confirmed a decree, having ordered that the wool mills be re-established June 1, 1590, and immediately they began to sense favorable results because the

5. Instrucciones que los vireyes dejaron a sus sucesores, 246. Between 1567 and 1577 a series of plagues afflicted the colony. This led to the construction of the first hospital during the viceroyship of Martín Enríquez. See Riva Palacio, México a través de los siglos, II, 431.

price of wool rose with great approval of the farmers and herdsmen; poor people of both sexes found an easy, honorable, and lucrative occupation; the owners of the wool mills saw an opportunity for revival of capital which had been regarded dead and unproductive, and the price of cloth for clothing of the townspeople became cheaper, putting within the reach of all people merchandise of indispensable consumption; then woven cloth could be acquired conveniently in the country. Merchants, in order to remain competent and to be able to subsist, found it necessary to content themselves with a moderate profit, all for the manifest benefit of the poorer classes. The profits of real hacienda also increased with the great volume of trade and commerce.⁶

Aside from the interests of the viceroys in the improvement of the wool industry, there are other good indications of expansion of the pastoral industry in New Spain during the closing decades of the sixteenth century. Undoubtedly the best evidence of expansion and improvement of the pastoral industry is the fact

6. Riva Palacio, México a través de los siglos, II, 449. Cf. Bancroft, History of Mexico, III, 616, note 51. The home government closely guarded against possible independence of the colonists in trade. No foreigner could trade with the colonies, nor was one permitted to enter a port without special permission. The prices of imports and exports of New Spain, with the exception of the precious metals, were under the arbitrary control of the merchants of Seville, and later of Cadiz. See p. 628.

that the powers of the Mesta were greatly broadened by 1574; this institution came to have wider jurisdiction over the herdsmen and flock masters. They enjoyed more security and protection because of its broad powers.

It is interesting to compare the Mesta constitution of January 25, 1574, with the instrument drawn up on July 31, 1537,⁷ for the protection of the sheep- and cattle-owners. The constitution of 1537 has only seventeen articles;⁸ the document of 1574 has eighty-three articles.⁹ The original instrument provides for the election of *alcaldes de mesta*, fixes the times and places of meetings, defines the duties of the *alcaldes*, lays down property qualifications for members, regulates brands, and empowers the Mesta to pass ordinances for the protection of all the brothers. The constitution of 1574 renders the Mesta much more powerful; the eighty-three articles provide for all possible contingencies; in this document a different internal organization from that of 1537 is set up; property qualifications are higher in the revised and amended instrument; the docu-

7. *Actas de Cabildo*, IV, 313. The Mesta constitution of July 31, 1537, did not go into effect until January 1, 1538, when the first *alcaldes de mesta* were chosen by the *cabildo*. See this same volume, p. 111.

8. See sources cited on p. 140, above.

9. *Beleña*, I, 27-64. The eighty-three articles of the Mesta constitution of 1574 are to be found on these pages. Cf. *Archivo General de la Nación, México, Ordenanzas*, Tomo I, 1574 (January 25). Articles I-XXIII are missing in this document.

ment of 1574 regulates in numerous and minutely detailed articles the following items: the round-up of the herds and flocks, brands, penalties, theft and other crimes, sheep walks and cattle paths, the Indian problem, damages, encroachments, the sale of mutton and beef, corrals, locations of estancias, cross dogs, and numerous other items.

10

The Mesta constitution was a flexible instrument and could be changed to meet constantly changing conditions. As the pastoral industry developed, more and more demands were made upon this important institution. But it kept pace with the times through revisions and by the addition of numerous amendments.

By 1574 the internal organization of the Mesta in New Spain was different from what it had been in 1537. Property qualifications for membership were more rigid and higher. Brands were regulated in more minute detail. Penalties for theft of livestock, and other

10. Some of these items have been treated in other chapters of this work, where they seemed pertinent. Many articles of the constitution of 1574 deal with the slaughter and sale of mutton and are treated in Chapter VIII. Numerous are the articles in this later instrument dealing with the location of estancias and corrals; these sections are treated in Chapter X on "The Common Pasturage." Other items are treated in sections of this work where they seemed relevant. This chapter is an attempt to discover to what extent the pastoral industry in New Spain expanded during the closing decades of the sixteenth century by examining the greatly revised and amended constitution of 1574.

crimes, were heavier. Damages to crops of the natives were more rigidly regulated. These problems, along with several other items, merit an examination based on the ordinances of the constitution of 1574.¹¹

The method of electing the *alcaldes de mesta* was different in 1574 from the original method. On New Year's Day of each year, in the *cabildo* and *ayuntamiento* of Mexico City and of the other cities in New Spain, the heads of bishoprics met, and were empowered to elect an *alcalde* or two of the *mesta*. The *alcaldes de mesta* were to be able persons, and of sufficient conscience to guard the herds and flocks, and to be informed on all matters concerning them. After being nominated and elected, they were sworn into the *cabildos*. They took an oath to execute faithfully and well their offices, and consented to do all that would cause justice to be done to the parties, "without hatred, partiality, interest, nor any other thing." They were elected for a year only, and could not serve the following year except for very just cause. The law provided that they could succeed themselves in office only if no other competent candidates were available for the office.¹²

11. Many ordinances other than those included in the *Mesta* constitution of 1574 were passed to regulate the pastoral industry. These ordinances were issued separately and at various times. See Beleña, I, 64-72.

12. Beleña, I, 27, cap. 1. Cf. Appendix A, Article I.

The *alcaldes de mesta* were to hold each year two Councils of the Mesta, the first beginning on June 25, and the second as soon as the first was finished. Fifteen days before these meetings the *alcaldes de mesta* were to question members of the Mesta in order to be informed of conditions in the pastoral industry in the capital city, in the pueblos of Tepeapulco, Quantitlán, Tula, and in any other towns in which it appeared to be necessary; each *alcalde de mesta* took the interrogatory into the section where he was accustomed to do the questioning. One of the *alcaldes* was to hold two councils, one in the village of Toluca, and the other in the pueblo of Tepeapulco. And another *alcalde* was to hold his two councils, one in Pueblo de San Juan, and the others in Pueblo de Alfajayuca. The *alcaldes* in the other cities and parts were to hold councils at the times and in the places to which they had been accustomed. Each one of the councils was to last ten days, in which time the *alcaldes* had to do justice to the parties who sought it, and visit the neighborhoods and *estancias* of their respective districts. Likewise they were to make a general pesquisa of their office, even if there were no accuser nor denouncer, on the damages which had been done in the province. They were to punish those whom they found guilty, inflicting the penalties as they saw fit, according to law. After the

ten days had passed, during the rest of the year the ordinary justices were to have in each jurisdiction enough power to recognize and determine the cases which were referred to them, concerning the Mesta, and in accordance with its ordinances. These justices were to take particular care that the majordomo of the Mesta should take charge of penalties "which in each year pertain to it during the whole time when said penalties are not rented out by the Council of said Mesta."¹³

The *alcaldes de mesta* were required to carry the staff of justice, each in the city where he was elected, from the time of his nomination to the office. And besides, they were to carry the staff of justice into the parts and places where they held Councils of the Mesta, "on the days declared heretofore in these ordinances." On the same days the *alcalde* elected a constable or constables for the execution of justice during the time the council was in session, and while the *alcaldes* were on their itineraries. The constables were required to carry the staff of justice with them while they were on duty. The *alcaldes* were obligated to carry out the ordinances of the Mesta, and they were authorized to determine the cases with which they might deal, for the best interests of the brothers of the organization.

13. Ibid., 28, cap. 2. Cf. Appendix A, Article II.

They had wide discretionary power over local matters pertaining to the pastoral industry; they were to take whatever action was necessary and proper, in accordance with the times; they could amend or nullify ordinances, or make new ones. All new ordinances were to be read publicly on the first day when any one of the four Councils of the Mesta should begin.¹⁴

All condemnations and punishments of owners, as well as of herds and flocks, which were sentenced and applied, were to conform to the memorandum book of laws of His Majesty which dealt with condemnations and other things which were to be guarded, done, and executed by the Council of the Mesta in the Kingdom of Castile. All penalties and condemnations which were in effect in Castile were to be doubled in New Spain. And the *alcaldes de mesta* were to "sentence, guard, and execute them."¹⁵

At the time the *alcaldes de mesta* made their interrogatory, fifteen days before the meeting of the Council of the Mesta, they were to request all the owners of flocks and herds to bring all their sheep, ewes, lambs, and any other flocks similar to them to the meeting;

14. Ibid., 29, cap. 3. Cf. Appendix A, Article XVII.

15. Ibid., 29, cap. 4. Cf. Appendix A, Article III. In the document of 1537 the penalties in effect were to be duplicated in New Spain. In the constitution of 1574 the penalties in New Spain were double those of Castile.

they were also to bring mestenas which were mixed with their flocks, in order to ascertain whose beasts they were and to deliver them to the rightful owners, paying what seemed just to the alcaides for guarding them.

The penalty for infraction of these regulations was ten sheep to the party whose sheep strayed, plus the mestenas, or stray sheep. If any herdsman marked anew any stray sheep mixed with his flocks, he had to pay sevenfold to the council, besides the penalty to the party. The term "mesternas" was understood to apply to any kind of livestock - mares, horses, mules, cows, hogs, as well as ewes and other sheep.

The number of brothers required to be present for a quorum at meetings was the same in 1574 as in 1537; five herdsmen and brothers of the Mesta made a quorum. Property qualifications for membership, however, were much higher in 1574. Whenever a herdsman or flock master possessed a herd of 1000 cattle, or a flock of 3000 sheep, he was understood to be a brother in the Mesta. Stock-raisers were obliged to go in person, or send a Spanish majordomo, or mayor of his hacienda, to assist in one of the four Councils of the Mesta, under penalty of 4 pesos de minas applied according to the ordinances of the Mesta. Each herdsman was compelled to bring or

16. Ibid., 29-30, cap. 5. Cf. Appendix A, Article IV.

send to the councils whatever mesteñas, or "mixed"¹⁷ animals, might be found in his herds and flocks.

As in the instrument of 1537, the Mesta of 1574 was to act as a central rent-collecting agency. In order to collect the rent a majordomo was chosen, who also was to see to "other things which are necessary to the good of the hacienda, according as is ordered in said council, and seems best by experience to be those things which make for the best."¹⁸

The Mesta constitution was a flexible instrument and the alcaldes de mesta were given wide discretionary powers over local matters pertaining to the pastoral industry. The Council of the Mesta was empowered to make regulations which were necessary, proper, and profitable to the members. No Mesta ordinances could be effective, however, without the consent of the viceroy. All ordinances enacted by the Mesta were to be brought before the viceroy, "or before the person who assists in this New Spain in the government of it, in order that he may approve them if it seems best. And after being approved, they shall be proclaimed publicly in order to be guarded."¹⁹

17. Ibid., 30-31, cap. 7. Cf. Appendix A, Articles VIII and IX.

18. Ibid., 31, cap. 8. Cf. Appendix A, Article XI.

19. Ibid., 31, cap. 9. Cf. Appendix A, Article XII.

Special provision was made for mostrencos, or stray animals whose owners could not be found. All the flocks which were manifested before the alcaldes de mesta as mostrencos, if their owners did not appear, it was proclaimed publicly three times in three days. And if in that time the owners did not appear, they were sold and their value was deposited in the chest of the Council of the Mesta, and in its book was noted down the beast or beasts which were so sold, with the brand or mark which they had. And if, during the time from the Mesta meeting of one year to that of another, the owner should appear and prove the beasts to be his, he was given the money which the beast or herd had been sold for, with the costs of care and keep deducted. And if the owner did not appear in this time, half of the proceeds went to the chamber of His Majesty, and the other half to the Council of the Mesta.²⁰

No gaps were left between the termination of one alcalde's term of office and the beginning of his successor's term. Alcaldes who had served in the Mesta for one year were required to go personally to the Council of the Mesta of the following year to comply with the law concerning quarrels which some herdsmen wished to take before the newly-elected alcaldes. The

20. Ibid., 31, cap. 10. Cf. Appendix A, Article XIII.

alcaldes, with the aid of the majordomo, were to take an account of all goods of the council; accounts were correctly balanced, and the balance was delivered to the succeeding alcalde. Any infraction of this regulation incurred a penalty of 100 pesos de oro común "to each one who does not comply with it."²¹

Alcaldes de mesta were empowered to sign the firm name to all decrees before they passed them. These decrees had to conform to what the alcaldes ordinarios of Mexico City should introduce. The alcaldes ordinarios were partly responsible for the enforcement of ordinances of the Mesta. Punishments were to be applied by the Council of the Mesta and carried out according to law.²²

Regulations concerning enclosures are to be found in the document of 1574. Fences were to be built for the protection of towns and seeded fields of the Indians. No person was allowed to break down any of these fences, under penalty, for each head of sheep found outside of the fence during the growing season, of a peso de oro común. "And for the tearing down of said fence, ten pesos de oro común shall be collected to repair the fence."²³

21. Ibid., 31-32, cap. 11. Cf. Appendix A, Article XV.

22. Ibid., 32, cap. 12. Cf. Appendix A, Article XVI.

23. Ibid., 32, cap. 13. The ordinances from here on are, in the main, regulations in addition to those of the document of 1537.

There are several items in the constitution of 1574 which regulated estancias and estancieros. Frequently the owners of horses would take stray horses into their own herds in order to breed their mares, and much damage resulted to the owners of the stray stallions. In order to remedy this the law provided that no estanciero should dare to breed another's horses with his own beasts, under penalty of 10 pesos de oro común, if he were Spanish, applied according to the ordinances of the Mesta; and if he were a negro or Indian²⁴ he was given a hundred lashes publicly.

Provision was made concerning the number of employees on an estancia. Owners of cattle estancias, each with 2000 head, were to have a Spanish estanciero and four negroes or Indians, two on horseback and two on foot in order to take care of the weekly round-up of the herd, under penalty of 20 pesos de oro común for each time they should not do it; as a further penalty they were to be deprived of this help, according to the ordinances of the Mesta. Estancias which had less than 2000 cattle also needed regulation because many excesses, thefts, and other crimes were committed on them. The law provided that on these smaller estancias a particular person was to be chosen, who was to have charge of

24. Ibid., 32, cap. 14.

all other employees on the estancia. The penalty for infraction of this regulation was 20 pesos de oro común. The Council of the Mesta fixed the salary of the overseer of the ranch; the amount of his salary depended on the quality and quantity of the herd on each cattle ranch. The law required that all overseers on the estancias were to be Spaniards.²⁵

The killing of animals on any estancia was regulated by law. On no estancia could another's beasts be killed, nor one's own, without express license written by the owner of such estancia. The owner of the livestock was required to note down in writing any animals to be killed for the provision of persons in service on his estancia or hacienda. These animals for the meat supply on the estancia itself could be slaughtered without a license from the justice; beasts for slaughter for the public meat supply could be killed only with a license from the local justice. All animals which were killed were to be shown to the constable, or veedor, who was posted to examine such beasts; the constable or veedor were to examine the pelts, with the mark and brand, under penalty to whomever should do the contrary, being Spanish or mestizo, for the first offense, of 50 pesos, half to the chamber of His Majesty

25. Ibid., 32-33, cap. 15.

and the Mesta, and the other half to the judge and denouncer. In default of paying the penalty, they suffered a hundred lashes. For the second offense the penalty was doubled and the offender was "banished from this New Spain." If the offenders were natives, negroes, or moriscos, they were given a hundred lashes for the first offense, and two hundred for the second, and the owner of the estancia had to return beasts of equal value for all beasts which had been killed contrary to law.²⁶

Owners of estancias were not allowed to sell meat directly to consumers without a license. On no estancia, nor outside of it, without express license and permission, could an estanciero or servants of owners of livestock sell beef, veal, or mutton, to Indians or other persons. The penalty for breaking this law was 100 pesos, and besides the estanciero or servant was liable to banishment from the land for a year.²⁷

The alcaides de mesta had complete jurisdiction over cattle paths and sheep walks. They were empowered to open new paths and walks for the herds and flocks which were taken to and from the summer pasturage. They

26. Ibid., 33-34, cap. 16.

27. Ibid., 34, cap. 17. From this item on, the articles of the constitution of 1574 are not treated in order, but rather by sections, each section pertaining to a series of regulations concerning the same problem.

controlled the paths of all herds and flocks bound for the slaughterhouses in Mexico City, and in other cities of New Spain where licensed slaughterhouses were located. The alcaldes were further obligated to provide for the construction and maintenance of watering troughs at convenient places along the sheep walks and cattle paths.²⁸

Care was taken that sheep and cattle were not kept on the same estancia. The law provided that "in no site or sites of an estancia or estancias, which have been granted the favor of holding sheep in them, shall a person dare to have cattle, under penalty of loss of such cattle which are held in them."²⁹

The matter of hocking animals with hooked knives was prohibited by law: "there shall be no hooked knives for hocking, nor shall any herd be hocked;³⁰ and this shall be guarded and shall comply with what is provided³¹ by this royal audiencia of Mexico." No Indian, mulatto, negro, or mestizo, who had been a herdsman or tender of flocks, and lived in the Indian pueblos or in the districts where estancias were located, was allowed to have a lance or hooked knife for hocking,

28. Ibid., 40, cap. 36.

29. Ibid., 41, cap. 39.

30. This was a humanitarian measure. The hocking of animals was a cruel practice by which some herdsmen cut the tendons in the legs of beasts, rendering them helpless.

31. Beleña, I, 41, cap. 38.

under penalty of 20 pesos de minas, applied according to law. And if he did not have the means with which to pay a penalty, each offender was given a hundred lashes publicly.³²

That the Indians were not always submissive before their Spanish overlords is a well known fact. The Indians were not entirely harmless; in fact, some of them were malicious, and frequently they committed vicious acts against the owners of livestock. The herdsmen and flock masters often complained that the Indians, mestizos, mulattoes, and other persons set traps and snares and made holes in which they killed the herds and flocks; these criminals were aided in their violence and mischief by dogs which chased the livestock. In order to check these outrages the law provided that head shepherds and majordomos of the estancias who found such criminals killing herds, making holes, placing snares and traps, or other artifices with which to kill the livestock, were to apprehend the offenders and bring them before the alcaldes de mesta, or before the nearest justice where it should happen, in order that they be chastized. If the head shepherds or majordomos could find witnesses to the crimes, they were to summon them to bear testimony in each case; if witnesses

32. Ibid., 43, cap. 44.

could not be found, the head shepherd, or majordomo, was credited by his oath, and the criminals were proceeded against. If any person defended the prisoners, or gave them aid and comfort, or released such delinquents, he was to suffer the same penalties as the delinquents themselves, plus 50 pesos de oro común. And if they found any holes made, or snares or traps set, or any other ingenious device for killing livestock, the head shepherds and majordomos were to aid the justice, governors, or alcaldes of the towns, in the vicinity where the crimes occurred. They were to cooperate in making information of the crimes in order that the criminals should be punished in accordance with the ordinances and laws of the Mesta.

Special regulations were passed with regard to the sale of tallow and pelts. These staples could not be sold on any estancia to a merchant or any other person, unless the owner of the hacienda himself should make the sale. And whoever made such purchases from the owner of the hacienda was obliged to manifest it before the justice nearest to the estancia. If any person purchased tallow and pelts from someone other than the owner of the estancia, the purchaser incurred a penalty of 50 pesos for the first offense, and loss of

the tallow and pelts; and for the second offense, he was given a hundred lashes in the nearest public place, if he were a mestizo, Indian, mulatto, or negro.³⁴

By 1574 the regulations concerning brands were more numerous and very minutely detailed. No owner of livestock was allowed to have in his herd a brand which another owner had; all the brands and marks were to be different in order that herds and flocks could be readily identified. No person was allowed to mark his beasts by cropping the ears; the ends of the ears were not to be cut off, nor were they to be cut sharp to a point, either on one or both ears; such marks could be altered too easily. Whoever disregarded these regulations was liable to loss of his herd to the council, plus 20 pesos de minas, applied in accordance with the ordinances of the Mesta for each time that improper branding was done. In case two owners of herds had the same brand, the members of the Council of the Mesta gave to each one an appropriate brand, different from all other brands. No two owners were permitted to have the same brand.³⁵

Many persons who did not own estancias possessed herds and flocks which incessantly pestered those who

34. Ibid., 51, cap. 57.

35. Ibid., 30, cap. 6. Cf. Appendix A, Articles V and VI.

owned estancias; experience soon proved that such livestock created many inconveniences and caused great damage to the owners of estancias. In order to meet this situation the law provided that no Spaniard, mestizo, native, negro, or morisco should dare to mark, or brand livestock, nor have any dealings in, nor benefit from the estancia of his master. No one was allowed benefits from the herds and flocks on the estancias save the owners themselves, under penalty of 10 pesos to Spaniards or mestizos who did contrary to this law, applied according to the ordinances of the Mesta; if the offenders were Indian, negro, or morisco, they were³⁶ given a hundred lashes publicly for each offense.

The law provided further that brands were not to be altered, distorted, or defaced in any way. There was a common practice among some herdsmen to alter their brands when taking their livestock from one locality to another; frequently they attempted to stamp a new brand upon the old one. In order to discourage these practices and to make sure that each herdsman kept his brand permanently, the law provided that no person should stamp brand upon brand, nor distort brands with pitch or tar, under heavy penalties. More than that, all offenders of this law were not permitted to breed herds,

36. Ibid., 35, cap. 20.

nor take them to Mexico City, nor any other part of
 37
 New Spain.

Servants and laborers on the estancias were not allowed to have brands to mark herds. No Spaniard nor mestizo who served an owner of an estancia, nor any Indian, negro, nor morisco, was permitted to have brands with which to brand herds and flocks for themselves. According to the law, any livestock which was in their possession was to be taken out of the district and sold within thirty days, under penalty of loss of
 38
 the animals.

Numerous regulations were enacted to prevent confusion in brands and marks on the livestock. No person was allowed to cross-mark or cross-brand any herds and flocks in any way; nor could he take another's beasts and call them his own, even if he said the animals were mixed with his. If any person took another's beasts and sold them or brought them to the slaughterhouse, if his misdeed were ascertained, he was compelled to pay a penalty of a seventh of all his livestock, plus 50 pesos de oro común, applied according to
 39
 the ordinances of the Mesta.

Precautions were taken to prevent servants and

37. Ibid., 35-36, cap. 22. Brands of some owners in the vicinity of Mexico City may be studied in Appendix C.

38. Ibid., 36, cap. 23.

39. Ibid., 39, cap. 33.

hired persons from changing or distorting the brands of animals, and taking them for their own. Many herdsmen and estancieros kept large herds for profit; they could not care for all their livestock themselves, and hired shepherd boys to tend the flocks. Frequently these hired youths and servants changed or marred the brand on the beasts, stamped another brand on them, and claimed them as their own. In order to remedy these evils the law provided that no ranch employee could have on the hacienda, nor outside of it, any livestock of his own, "nor brand for branding, but the brand which he holds from his master"; if any brands or marks on the beasts were altered by a servant and his action were discovered by the owner, such animals were to be separated by the owner from the other livestock and sold within a year to another herdsman who resided more than five leagues roundabout. The penalty for infraction of these regulations was 2 pesos de minas, applied in accordance with the ordinances of the Mesta, plus half of the whole herd. The law provided further that if any servant had a branding iron other than the one belonging to the rightful owner he was to be chastized as a thief and subjected to other penalties contained in the ordinances of the Mesta.

40

Provision was made in the constitution of 1574 for herds and flocks owned by poor men who roamed from place to place. These vagabonds did not wish to work and attempted to make a livelihood by keeping small quantities of sheep and cattle in some part of an estancia or estancias. A common practice among them was to brand unbranded stock, as if they were old breeders who owned permanent estancia sites. They also bought herds from other parts of the country in order to stock their sections in the estancias. The law provided that neither these transients nor their servants should brand any livestock, under penalty of being punished as harmful criminals, in accordance with the ordinances of the

41

Mesta.

Many disorders arose among the owners of livestock in the matter of branding the young animals - calves, lambs, and colts. Frequently an owner of herds would stamp his brand on the offspring of a female animal belonging to another herdsman. The law provided that, when the owner of the mother found her offspring marked with another's brand, he was to stamp his own brand upon it; then the rightful owner could claim the young beast. This act provided further, in order to discourage breeders committing these offenses, that if

41. Ibid., 45-46, cap. 48.

the owner of the mother (ewe, cow, or mare) should find another's brand on the offspring, before he put his own brand on top of it he was to denounce the offender before a justice in order that the crime could be punished; then the real owner could justly put his own brand on top of the other brand. In case there were no justice before whom to bring the case

he shall have not less than three witnesses for each offspring which had been improperly branded; and with them he can put on his brand, with the charge that within ten days he shall be obligated to give notice of it to the alcalde de mesta or to the justice nearest where it happened, in order that the crime should be punished in accordance with the ordinances. And if he should not give the notice, he shall suffer the same penalty as the one who marks another's beasts, applied according to the ordinances of the Mesta. 42

Some Spanish estancieros who had charge of sheep and cattle followed the practice of working only a year on an estancia. Then they left it because of malice and appropriated small sites in secluded spots where herds were hidden or lost; they stocked these small sections with livestock which they knew had strayed from the estancias where they formerly had worked. They herded the beasts together and stamped their own brands upon them, "from which cause comes very great damage and prejudice to the owners of said estancias and herds" In order to check this evil practice the law provided

42. Ibid., 47, cap. 51.

that no person who has charge of cattle and sheep estancias, by salary or in partnership, from the day when he should go out from such estancias until four years have passed, he cannot have an estancia nor herd of his own within ten leagues around where he had served as estanciero, under penalty of loss of said herd and estancia, applied in accordance with the ordinances of the Mesta, and of banishment from that province for ten leagues roundabout. 43

Cattle, sheep, and horses were not to be branded until they were two years old. This regulation was enacted to prevent the weaning and branding of livestock at too early an age. Frequently unbranded beasts were stolen from their mothers before they were weaned; these motherless animals were penned up by the thieves, and branded. In order to correct this evil the law provided that no breeder nor majordomo of a hacienda, nor any other person, should dare to brand cattle, sheep, or horses, if they were not at least two years old. The purpose of this act was to put a stop to weaning beasts and separating them from their mothers while still young and unable to shift for themselves. Whoever disobeyed this law was fined 20 pesos de minas for each head which he should brand, applied according to law. 44

Special regulations were passed to guarantee efficiency and honesty at round-up time. When the herds pastured in the common lands they were free to graze wherever they would. At round-up time, however, certain

43. Ibid., 48-49, cap. 53.

44. Ibid., 52, cap. 61.

restrictions were put on the herdsmen. In driving the herds and flocks to and from the place of the rodeo the herdsmen and flock masters had to keep the animals within certain bounds. No person was allowed to drive his cows, steers, colts, calves, sheep, and mares, which were marked by his own brand, more than two leagues out of the common path to the estancia and place where the round-up was made. At round-up time each herdsman simply was to look for his own beasts among many others which had been pasturing in the commons; he recognized his animals by his brand. After counting them, seeing that they were all right, and probably salting them, he was ready to take them back to the common pasturage. Any sheep-or cattle-owner who drove his beasts outside of the limit of two leagues at round-up time was fined 100 pesos de oro común for the first offense, if he were a Spaniard; and for the second offense he had to pay one-seventh of the value of the herd which he took outside the limits; and if he were a negro, mestizo, or mulatto, he was given a hundred lashes publicly.

45. Ibid., 55-56, cap. 70. On each estancia, from San Juan day in June until the middle of November each year, a weekly round-up was made of sheep and horses, in places designated by the justices. All owners of these beasts in the vicinity of each place designated by the justice were to bring their herds and flocks to the rodeo. There the beasts were identified by their brands. If Spaniards or mestizos disobeyed

The law required that branding was to be done during a fixed period of time in certain localities. Herdsmen and their majordomos, estancieros, head shepherds, and breeders on the haciendas of the grassy plains of San Juan, or of the llanos of the Chichimecas, or in the province of Michoacán could not brand any herd before San Juan day in June. From that day until the middle of the month of February of the following year, and not afterward, they were permitted legally to brand their herds and flocks. The penalty for infraction of this regulation was 100 pesos de oro común for each offense, and loss of the beasts improperly branded, applied according to the ordinances of the Mesta.⁴⁶ The justices were to see that this ordinance was faithfully executed, under penalty of suspension

this law they were fined 10 pesos de oro común, applied according to the ordinances of the Mesta; if they were negro, mulatto, or morisco they suffered a hundred lashes. See p. 34, cap. 18. Persons were not allowed to take livestock from one province to another without properly registering them. See p. 55, cap. 69.

46. Ibid., 56, cap. 71. If a breeder wished to hold a rodeo in Valle de Ahuato, among the Chichimecas, he was to summon four to six shepherds of the districts and their estancieros. Together they were to make the rodeo, and each one was to take out beasts having his brand on them. All unbranded beasts were to be properly branded. Anyone disregarding this regulation was fined 10 pesos de oro común for each head improperly branded, applied according to the ordinances of the Mesta. See p. 55, cap. 67. All unbranded animals at the round-ups which could not be identified were allotted among the herdsmen in proportion to the size of each one's herd. Each owner then stamped his brand on these beasts and legally claimed them. See p. 34, cap. 19.

from their offices and of 500 pesos. And if the offenders were negroes or mulattoes, they were given a hundred lashes publicly for each offense.⁴⁷ On July 18, 1580, the penalty of 100 pesos de oro común to anyone who branded his livestock before San Juan day was changed to 1500 ducats. "And the justices shall execute it unpardonably, under penalty of suspension from office, and of paying damages and interest to the parties."⁴⁸

Certain exceptions were made to these time limitations for branding, which are described as follows:

Notwithstanding the preceding ordinance, those who have estancias of herds from the cordillera of Puerto de San Miguel, which is el Robledal, two leagues from Guanaxoata, running from said cordillera to the hill of Temazcatio, and from there by the road to the estancia of Varona, which is on the Rio Grande, to the limits and jurisdiction of the new Kingdom of Galicia, can mark their herds in said parts at any time of the year whatever.⁴⁹

Only certain persons were allowed to have branding irons. Anyone who did not have an estancia stocked with herds or flocks could not have a branding iron, nor was he allowed in any way to mark livestock. Teamsters who bought steers to train them for oxen were not permitted to brand them without a license from the nearest justice.

47. Ibid., 67. Ordinance of March 21, 1576. This ordinance was enacted almost two years after the Mesta constitution of 1574 went into effect.

48. Ibid., 66. Ordinance of July 18, 1580.

49. Ibid., 67. Ordinance of September 30, 1579.

If any teamster ignored this regulation, he was chastized as if he were a thief.⁵⁰

A strict ordinance was enacted concerning the manufacturing of branding irons. No blacksmith was allowed to make a brand for branding livestock, "unless it were by loss of the owner himself of such brand, or with his special license for said effect." The penalty meted out to any blacksmith who disregarded this regulation was 100 pesos de minas, applied according to the ordinances of the Mesta.⁵¹

It is interesting to notice that several of the ordinances of the constitution of 1574 were intended to ameliorate the lot of Indian herdsmen. Many natives of the land possessed cattle and sheep, and it was the policy of the crown to encourage them to increase the size of their herds and flocks. Special regulations were enacted, however, with regard to branding and marking livestock belonging to the Indians. The law provided that

all the sheep which the Indian natives of this land have, in whatever manner, they shall be obliged to hold unbranded and without cutting off the tails. And sup-

50. Ibid., 66. Ordinance of October 10, 1582. By an ordinance of July 11, 1580, teamsters were not allowed to remain in a town for more than four days in order to rest or to repair their carts; if the teamster or his oxen did any damage, he had to pay it. See Beleña, I, 13. On pp. 13-15 are ten ordinances which regulated teamsters and carts.

51. Ibid., 56, cap. 72 of the constitution of 1574.

posing that they wish to put some mark on their sheep, let these things be understood concerning the ears and the entire tail, under penalty that the flock ... shall be lost, and it shall be taken for injuries. Its value shall be applied according to the ordinances of the Mesta. 52

An owner of livestock had to possess a certain minimum number of beasts before he was allowed the privilege of having a brand. In order to have a brand for his livestock a herdsman had to live for a period of four years on his estancia, and possess at least fifty head of stock. At the end of that time he was permitted to brand his cows, sheep, and yearling calves, all with the same brand. Anyone who did the contrary was liable to punishment according to law. 53

The law provided further that no person could use unbranded animals on the threshing floor. This ordinance read as follows:

No person who works and benefits by the land shall take any kind of unbranded herd to thresh out grain without a license from its owner, under penalty that whoever should do the contrary (inquiry being made of what beasts he took to serve him) shall incur a penalty of 100 pesos, a third to the chamber, and the other two parts to the Hospital of San Juan Ulua, the denouncer and judge who should try the case, equally 54

The practice of slaying sheep and cattle in New Spain primarily for profit from the pelts and tallow became a serious problem and had to be regulated by law.

52. Ibid., 58, cap. 77.

53. Ibid., 65. Ordinance of April 29, 1580.

54. Ibid., 67. Ordinance of April 9, 1579.

In their greed and eagerness for quick profits the Spanish settlers often killed heifers before they had delivered their first calves, that is, before they were two years old. Ewes also were frequently slayed before they had matured. At times there was danger of depleting the herds and flocks in certain districts because of this indiscriminate slaughter. In order to check this wastefulness the following rigid regulations were enacted.

For such I ordain and command that no owner of an estancia, or estancias, nor estancieros, nor other person of whatever quality and condition he may be, shall dare to have hooked knives for hocking, nor other instruments for slaying cattle, nor shall he kill them, nor consent to kill them on his own estancias, nor outside of them, even if they be his own and bought with his own money, in order to profit from the pelt and fat of said herd, unless it be weighed in the slaughterhouses in this City of Mexico, or in other parts of this New Spain where license was given and conceded to have butcher shops, under penalty to whomever should do the contrary, if he were a person of quality, of 100 pesos de oro común, a third part to the chamber of His Majesty, and two-thirds to the judge and denouncer, equally; and if he were a person of low rank, he shall be given a hundred lashes publicly and formally. And if he should count the herd which he should kill or hock not to be his by just and legal title, he shall pay the value of it to the person whose it was, and four times as much to the chamber and exchequer of His Majesty. 55

This ordinance provided further, in order that it should be executed faithfully, that the justices of New Spain were to take special care; each justice was to see that this regulation was enforced in the estancias under his jurisdiction. Each justice was further obligated to see

that no heifers were killed on estancias in his jurisdiction. All justices who did not faithfully discharge these duties were subjected to severe residencias.

Hired persons and servants on the estancias and haciendas were required to live up to their contracts. Breeders and owners of livestock were not allowed to hire men to work on their estancias who were already hired by other herdsmen. Whenever a laborer sought work on an estancia he had to declare that he was in no way obligated to his former employer. Likewise each employer was compelled by law to pay the wages in full of any hired man who desired to terminate his services on the estancia and seek employment elsewhere. The law required that services should be rendered completely and that accounts should be paid in full. The penalty for breaking these regulations was 50 pesos de minas,⁵⁶ applied according to the ordinances of the Mesta.

Special regulations were enacted to check indiscriminate slaughter of cattle and sheep by the Indians. The natives frequently killed livestock secretly which belonged to the Spaniards. In order to punish persons who committed this crime the law provided that the governors, alcaldes, and regidores were to name trustworthy Indians as constables. The sole duty of these

56. Ibid., 50, cap. 55.

constables was to look for whomever did damage to the herds and flocks. If they found anyone killing livestock secretly and contrary to law, they were to seize such criminals and bring them before an *alcalde de mesta*, or before the nearest justice. And if they found a dead beast, or beasts, and not the killers of them, they were to make information with their scribes. The constables and scribes together were to investigate any persons whom they suspected, and bring them before an *alcalde de mesta*, or the nearest justice, denouncing them in order that they should be punished. The Indian constables were to take part in the condemnations which were made, on an equal basis with the Spanish denouncers; this made the law more effective. If any Indian constable became careless and ignored the crimes, he incurred the same penalty as those who were delinquent, and they were made to understand this when the staffs⁵⁷ were given them on entering their office.

The law prevented a multiplicity of owners of any certain *estancia* or *hacienda*. It happened many times by way of heirs, sales, barter, exchanges, donations, or in some other manner, that on one site of an *estancia* there were many owners; this resulted in many inconveniences and damages. In order to remedy these con-

57. Ibid., 48, cap. 52.

ditions the law provided

that on one estancia there cannot be more than two owners and two different brands or marks; and that these shall not be apart from each other, with their houses and corrals, more than 300 paces; as such, each one of them shall guard the ordinance concerning paces to the estancias of their neighborhood. And if they should not have space to be apart 300 paces without prejudice to the district, in such case they shall have their houses together. And if it should happen to be an estancia of more than two persons, in such case they shall have only one brand and mark, and each one shall enjoy such part and profit which is his share, conforming to that which he has on the estancia; and whoever should do the contrary to what is contained in this ordinance shall incur a penalty of 20 pesos de minas for each offense, applied according to the ordinances of the Mesta. 58

It is needless to state that many crimes were committed among the herdsmen and flock masters in New Spain. Despite all efforts of the government to end crime and to encourage just dealings among the settlers, criminals continued their dastardly acts; despite the ordinances and minutely detailed regulations to prevent crime, robbery and theft of livestock continued unabated. Toward the close of the sixteenth century more rigid and more detailed acts were passed to prevent these crimes, and to bring criminals to justice.

Many robberies were committed by native servants and other laborers on the estancias. Frequently persons went to the pueblos of Indians and to the estancias to buy herds from the natives and estancieros who had

stolen the beasts from their owners. In order to prevent this evil practice no person was allowed to buy livestock except from the owner himself, or from someone authorized by the owner to sell the beasts. In no way could a herd be purchased from hired Indians, nor could beasts be sold except in a public market. The following penalties were meted out to persons who broke this law: if the offender were Spanish, he had to pay 50 pesos for the first offense, applied according to the ordinances of the Mesta; if he defaulted, he was given a hundred lashes publicly. For the second offense the penalty was doubled and the offender was banished from the district where he was delinquent, twenty leagues roundabout. And if whoever exceeded this ordinance were a mestizo, Indian, negro, mulatto, or morisco, he was given a hundred lashes for the first offense; and for the second offense he was given two hundred lashes, and his ears were cut off.⁵⁹

All cattle and sheep which were sold were marked with a special mark at the time of sale; this mark was known as the brand of sale, and was not the regular brand which remained permanently on the livestock. Frequently the owners left the brand of sale, or trade mark, in charge of hired mestizos, Indians, mulattoes,

59. Ibid., 59, cap. 78.

or negroes, who were entrusted to make the sale and stamp the brand of sale upon the beasts. These hired servants all too often yielded to the temptation to steal the livestock for themselves. In order to remedy this situation the law provided that no owner of an estancia could leave his brand of sale in charge of anyone but Spaniards, under penalty of 50 pesos de minas, applied according to the ordinances of the Mesta.⁶⁰

In order to discourage roaming thieves from stealing livestock a time limit was fixed on their visits to individual estancias. Many wicked men and thieves roamed from one estancia to another stealing sheep, cattle, and horses, and committing other "crimes in disservice of Our Lord and prejudice to the owners of estancias, in great damage to the public, and setting a bad example." In order to prevent these evil practices the ordinance provided that no vagabond or transient could stay more than three days at most on any estancia; and he was not allowed to return to the estancia where he once was within six months; neither the estanciero, majordomo, nor head shepherd could have him on the estancia, under penalty to a Spaniard of 20 pesos, applied according to the ordinances of the Mesta; and if he were a mestizo, mulatto, or free negro, he was given a hundred lashes

60. Ibid., 57, cap. 74.

publicly.

Stealing horses, mares, and colts was more common than theft of any other kind of livestock. Thefts were commonly committed by persons who owned part of an estancia and had only a small herd; in the main, they did not work and earn their living in lawful things. They were accustomed to roam through the mountains and over the plains, and to brand any livestock which they found among their own, if they had any. They stole in such a manner that they could not be investigated and no traces of their crimes could be found. Most commonly they stole unbranded colts and fillies from the mares, and sold them to the Indians; they stole these animals frequently before they were two months old. As a result, the owners of the beasts suffered great loss in many instances. The thieves were void of consciences and continued their malicious vices. In order to discourage horse thieves the law provided that

no person, of whatever quality and condition he may be, can sell a colt or filly recently branded of less than two years of age, under penalty to whom should do it, being a breeder, of loss of the head so sold, or the price of it; and he shall pay 50 pesos de oro común more, all applied according to the ordinances of the Mesta. And the buyer shall suffer the same penalty. And if they be manservants of such breeders, they shall be punished as thieves by all the rigor of the law. And it is understood that if the sale is made with the mother of such colt or filly, it can be done. And if

the brand were honest and healed, the colts can be sold even if they be less than said two years of age. 62

Special ordinances were enacted concerning the kind and number of dogs that each herdsman or flock master was allowed to possess. No owner nor estanciero could have dogs, neither for hunting nor for any other purpose, unless they were mastiffs which guarded the sheep. Cattlemen as a rule did not keep mastiffs or any other breed of dogs because they were not necessary. A limitation was put on the number of mastiffs that each shepherd could own. The law provided that no owner of sheep, pastor, or other person who tended the flocks, could have more than three mastiffs for each thousand head of sheep, and from there down in proportion to the size of the flock. If a female mastiff had a delivery, while the puppies were young they were not to be counted; they were counted only when they were old enough to be useful.

And if such dogs, though they be from different estancias, should be found running said flocks, killing them, or injuring them, whatever person should so find them can and shall kill said mastiffs without any penalty. And this ordinance shall be guarded and complied with, under penalty of 20 pesos de minas for each time anyone does to the contrary, applied according to the ordinances of the Mesta. 63

62. Ibid., 56-57, cap. 73. By an Ordinance of June 15, 1582 no person was allowed to sell calves of less than two years of age, unless the calves were sold with their mothers, under penalty of losing the calves, or their value in money. See p. 66.

63. Ibid., 42, cap. 42.

Not only were the herdsmen and flock masters restricted in the number and breed of dogs which they were allowed to possess, but all other owners of dogs were rigidly regulated. The intent of the following ordinance obviously was to protect the herds and flocks from dogs:

In no pueblo of the Indians which is within three leagues from an estancia, nor within one league from where said herds go to pasture in the summer stubble, shall any Indian, Spaniard, nor any other person, have any kind of dog, unless it be a watchdog to guard their houses; because those having had them, and having them at present, have seen by experience that much damage was done to the herds - cattle as well as sheep; and without profiting anything (to their owners) they go to the fields and do much harm and slaughter in said herds; and from excessive appetite and bait ⁶⁴ which they take in this they become wild and go multiplying each day, doing great damage to said herds. And if some person should have, as is said, other dogs more than the aforesaid, any shepherd or herdsman whatever can kill them freely without any penalty. But it is permitted for pastime and recreation that Spaniards can and shall have up to four greyhounds, which, if they should do some damages among said herds, any person whatever can freely kill them. ⁶⁵

The construction of corrals and sheepfolds was

64. It is believed by most sheepmen that a good sheep dog will not touch raw mutton, and that if it ever does, it is an incurable killer from then on; a dog's blood lust begins only when it has killed a live sheep and tasted the warm blood. Sheep, however, by their very nature sometimes invite being chased by a dog; they seem to have three dominant emotions: fear, inquisitiveness, and affection. They are entirely harmless to each other, but are terrified at the sight of every other unfamiliar living creature. They become panicky when a strange dog approaches them, and encourage chase and kill. In our western ranges the coyote, the slinking stealthy cousin of the dog, is the sheep's principal enemy.

65. Beleña, I, 43, cap. 43.

regulated by law. No herdsman was allowed to enclose a plot of land for a corral nor enlarge a corral without appealing to the owners of the four nearest estancias. If he expanded a corral without making it known, he was fined 20 pesos de minas. And if he branded any unbranded livestock without making a similar appeal, he was compelled to pay a penalty of 10 pesos de oro común. If the four neighboring herdsmen ignored his call, or did not wish to cooperate in constructing the corrals or in branding the beasts, then he could act alone without any penalty.⁶⁶

Indian laborers who helped build the corrals were not to be paid in kind, but in money. No breeder nor owner of herds, nor their majordomos, estancieros, nor servants were allowed to make corrals for payment in meat, but for money;

because it happens many times that in order to pay the Indians who make said corrals, in meat, they kill the herds which they find first, even if they be another's; and with the pelts they bind said corrals. And whoever does to the contrary shall incur a penalty of 50 pesos de minas applied according as is said. And said corrals shall not be bound with pelts, under said penalty.⁶⁷

Ordinances were passed to regulate the location of sheepfolds. It was necessary for sheep-owners to take their flocks outside of their estancias to pasture dur-

66. Ibid., 51, cap. 58.

67. Ibid., 52, cap. 60.

ing the dry season. Some shepherds were prone to locate their sheepfolds very near to one another in such a manner that they had differences and quarrels over the pasture; more than that, the flocks became so mixed up that damage and loss resulted to all the owners. In order to remedy these conditions an ordinance provided that after a sheepfold had been settled and constructed, any sheep breeder or estanciero who afterward should come to the summer pasture was not allowed to settle a sheepfold less than 500 paces from the spot of the one which was first settled. Whoever did to the contrary incurred a
68
penalty of 20 pesos de minas.

The Mesta constitution of 1574 contained specific regulations concerning penalties. All penalties were fixed in the ordinances and no judge was allowed to change any of them; judges were required to collect penalties in accordance with the ordinances, under penalty of suspension from office. Each judge kept an account book in which he noted down all penalties, with the day, month, and year. By so doing he could give an
69
account of each fine whenever any person desired it.

According to the ordinances of the Mesta, the alcales de mesta were empowered to collect penalties only on those cases which came before the fraternity during

68. Ibid., 51-52, cap. 59.

69. Ibid., 38, cap. 28.

the ten days while it was in session. The penalties collected in all cases coming before the ordinary justices (alcaldes ordinarios) were not to be given up to the Council of the Mesta; these penalties were applied, "a third to the chamber, another part to the Hospital of San Juan de Ulua, and the other part to the judge who should execute the costs of the case."⁷⁰

Heavy penalties were meted out for theft of all kinds of livestock. Any person who stole horses, mules, cows, sheep, or goats, was first investigated by information; if he had held the stolen beasts for two days or more, he had to pay a seventh of the value of such beasts. If he defaulted, he was given a hundred lashes publicly, and banished from the place where he was found with the stolen livestock and from the neighborhood within ten leagues roundabout. Under the same penalty no person could cross-brand any livestock.⁷¹

Informations could be made against the persons who exceeded anything contained in the ordinances of the Mesta. Anyone found guilty was to be punished even if he were not taken in flagrant crimes. And whoever committed a second offense against the ordinances had to pay a double penalty and be exiled for a distance of

70. Ibid., 64-65. Ordinances of November 19, 1559, and of May 18, 1575.

71. Ibid., 41, cap. 40. Cf. p. 39, cap. 30.

twenty leagues from the place where it happened and
 from his place of residence.⁷²

All the penalties which were executed in cases under the jurisdiction of the Council of the Mesta, and by its ordinances, were divided in the following manner: "half to the chamber of His Majesty, and for said Council of the Mesta, in equal parts; and the other half to the judge and denouncer in equal parts."⁷³

The time in which the alcaides de mesta tried cases was limited and all cases pertaining to the pastoral industry were to be tried then. The alcaides were not permitted to take the staff of justice into the province of Mexico nor in the other cities and parts of the realm, outside of the time set by the ordinances of the Mesta. A penalty was meted out to any alcalde who happened to take the staff of justice without having jurisdiction or power to do so.⁷⁴

The alcaides de mesta were not to deal with Indian affairs, nor try any cases in which the herdsmen were involved except on the days when the Mesta was in session; "because in said limit and time I give power to said alcaides de mesta to recognize cases and affairs of the Indians, such things being damage and slaughter

72. Ibid., 39, cap. 32.

73. Ibid., 39, cap. 29.

74. Ibid., 65. Ordinance of December 10, 1579.

of the herds, and other things concerning the Mesta." ⁷⁵

All these ordinances were to be guarded and complied with, throughout New Spain, in the name of His Majesty. The Mesta constitution of 1574 was to be the governing instrument over the cattle- and sheep-owners, and no other laws could be enforced which were contrary to the ordinances in this important document. The *alcaldes de mesta*, as well as all other justices of New Spain, each in his own place and jurisdiction, were to hear and determine all cases which came before them concerning the Mesta. The law provided that

they shall guard and comply with them, and have them guarded and complied with in all and by all, according to what is in them, and in each one of them is contained. And in order that they shall come to the notice of all, I command that said ordinances shall be proclaimed in this City of Mexico and in the other cities of this New Spain where they have power to elect in their *ayuntamientos* the *alcaldes de mesta*; and likewise they shall be proclaimed in the parts where said *Mestas* have been founded, and it shall be noted down in the book of the government of this New Spain ⁷⁶

The foregoing examination of the important document of 1574 that regulated the pastoral industry in New Spain indicates rapid material gains by the sheep- and cattle-owners. The herdsmen were constantly confronted with new problems as the pastoral industry expanded. The Mesta constitution was flexible and could

75. *Ibid.*, 57-58, cap. 75.

76. *Ibid.*, 63-64, cap. 83. This last ordinance ends as follows: "Done in Mexico, January 25, 1574. Don Martín Enríquez. By command of His Majesty. Juan de Cueva."

be adapted to meet changing conditions. Differences that arose among the herdsmen and flock masters were settled by the *alcaldes de mesta*, in order that justice would be done to all. The Mesta fulfilled the needs of an industry that had outdistanced all others by the close of the sixteenth century. Greater material prosperity on the part of the livestock owners incidentally meant increased profits for His Majesty - one of the principal aims of Spanish colonial officials. We have observed repeatedly in studying the ordinances that a large fraction of fines and penalties went to the royal treasury. The mining industry did not keep pace with grazing, and profits from this source became less and less lucrative. The crown came more and more to depend upon the pastoral industry for its income.

CONCLUSION

The foregoing history of the wool industry in New Spain throws new light on colonial institutions, particularly the Mesta. This institution had a marked effect upon the social, political, and economic organization of the settlers of New Spain. Klein, in his well known study, claims that all attempts to legislate the Castilian Mesta into existence in the New World were ludicrous failures. His contention that the first of these experiments, made in Santo Domingo, failed because of unfavorable climatic conditions has some foundation. That he is decidedly in error in the following assertions, however, is not to be doubted by one who has read the preceding pages:

The same outcome followed the introduction of the Mesta code into New Spain, or Mexico, by Cortés and his successors, many of whom were especially familiar with the migratory pastoral industry, because their homes were in the pasture lands of Estremadura and Andalusia. In Mexico, as in Santo Domingo, all efforts to introduce sheep migrations were frustrated by the absence of favorable geographic conditions and by the greater attraction of other industries, notably mining. The only part of the Mesta code which survived was the ancient arrangement for the semiannual meetings to dispose of stray animals. ¹

One cannot escape noticing the glaring fallacies in these statements. In the first place, that Cortés had any part in the introduction of the Mesta into New Spain is erroneous. None of the cabildo records,

1. Klein, The Mesta, 9.

cédulas, ordinances, or decrees even mention the name of Cortés in this connection. The Mesta was introduced into New Spain largely because of the wisdom and foresight of the first viceroy, Antonio de Mendoza.²

Secondly, the claim that geographical factors in New Spain were unfavorable to sheep-raising is untenable. As a matter of fact, sheep did thrive well in almost every quarter of New Spain; the hardy Merino breed was adaptable to almost any climatic or geographic conditions. Sheep and other kinds of livestock reproduced so rapidly that grazing soon outdistanced all other industries. Thirdly, in characteristically orthodox fashion, Klein lays disproportionate emphasis on the mining industry. Little mention is made of mining in the cabildo records and royal cédulas. In the long run agriculture and its companion industry, stock-raising, were the leading pursuits of the inhabitants of New Spain. Fourthly, the implication that all the Mesta in New Spain did was to assign strays to their rightful owners is unfounded. The records repeatedly indicate that the Mesta, besides disposing of strays, regulated brands in minute detail; it tried cases arising among herdsmen and flock masters; it assessed and collected fines and penalties, and regulated damages; it

2. Actas de Cabildo, IV, 313. Minutes of March 14, 1542.

assisted in the expedition of affairs pertaining to the slaughter industry; it cooperated with the cabildo, the viceroy, and the audiencia in the regulation and inspection of the common pastures; it aided in the matter of collecting taxes from the livestock owners. In brief, it performed all duties necessary for the protection and promotion of the pastoral industry.

Contrary to Klein's opinion that the Mesta in New Spain was negligible, it was a widespread institution. In the large towns in each district of New Spain, the municipalities chose two *alcaldes de mesta* to preside over the semiannual councils of the livestock owners. This pastoral custom was carried wherever the colonists of New Spain journeyed and settled. The vitality of the institution of the Mesta is not so strange: it was perfectly adapted to the needs of any pastoral community, as much to cattlemen as to sheep-owners. The story of the Mesta in New Spain, therefore, forms the background to the study of the Mexican pastoral industry.

The history of Mexican stock-raising adds a forgotten chapter to the story of one of the greatest American industries. The pastoral industry of the whole trans-Mississippi West is based on Mexican antecedents. The *alcaldes de mesta* were the forerunners of the *jueces del campo* (judges of the plain) in California. In western Texas, New Mexico, Colorado, and northward,

wherever great cattle ranges and sheep ranches are found today, the stockmen in their picturesque and exciting round-ups still follow the ancient Spanish plan. Surviving influences of the Mesta still constitute a major element in the lives of the cowboys and livestock owners in the western part of our country.

Throughout the story of the Mexican sheep-raising industry another fact strikes one's attention. In the grazing industry, as in all other occupations, the Spaniards preceded their English and French rivals by almost a century. One cannot be oblivious to the fact of Spanish priority in the cultural development of American colonial possessions. Long before Jamestown there were thousands of sheep grazing in every district throughout New Spain. Careful planning of industry and minutely detailed government regulations made for rapid cultural and economic advancement in the Spanish colonies.

From the early days of New Spain the Mesta was a widespread institution, and equally widespread was the industry which it regulated. The Mesta was closely associated with the central government, and innumerable ordinances and decrees were enacted to promote the best interests of the sheep- and cattle-owners. As an organization it was purely protective, guarding and facilitating the transaction of business among the livestock

owners. In this capacity it rendered indispensable services, and was a potent factor in making the pastoral industry supreme in New Spain. The history of the Mesta and the pastoral industry of New Spain illustrates many phases of Mexican culture; it helps us to understand that country better, and gives us a keener insight into the historical background of the great pastoral industry in our own country.

APPENDIX A

The Mesta Constitution of 1537

(Incorporated in the minutes of the cabildo of Mexico City, in the meeting of March 15, 1542.) For the constitution of 1574 see Beleña, I, 27-64.

I. Primeramente que se elija un alcalde o dos de mesta persona abil e suficiente e de conciencia que tenga ganado e sepa de las cosas concernientes a el los quales hagan juramento en este regimiento despues de ser nombrados e elexidos que bien fielmente usaran del oficio haziendo en todo lo que alcanzare justicia a las partes sin odio ni amistad ni aficion ni ynterese ni otra cosa alguna.

II. Iten que los alcaldes que son e fueren de aqui adelante hagan cada un año dos concejos de mesta el uno a 16 de hebrero de cada un año y el otro en fin de agosto los quales duren cada concejo diez dias e no mas salbo si bien bisto fuere a los questubieren en el dicho concejo que se deba prorrogar por mas tienpo e que el concejo de agosto se haga en el balle de matalzingo e toluca o en el mejor lugar que paresciere a los alcaldes y el otro concejo de hebrero se haga en tepeapulco donde por el dicho alcalde y concejo fuere señalado que mejor dispusicion y aparejo aya e que los que fueren al concejo de toluca sean los de su comarca e al otro de tepeapulco los de la suya.

III. Iten hordenaron que todas las condenaciones e penas que se aplicaren e sentenciaren contra qualesquier personas ansy de dineros como de ganados conforme al quaderno leyes a prematicas de su magestad que hablan sobre las condenaciones e otras cosas que ande guardar e hacer e ejecutar por el honrrado concejo de la mesta e por los alcaldes del en los reynos de castilla que las dichas condenaciones e penas en esta nueva españa, se ayan y se entiendan doblados e duplicados e ansy se sentencien guarden e esecuten.

IV. Iten que antes que bayan a hacer ninguno de los dichos concejos los dichos alcalde e alcaldes que al presente fueren hagan pregonar en esta ciudad y en la ciudad de los angeles y en las otras ciudades billas e lugares desta nueva españa e donde fuere necesario que todos los dueños de ganados bayan a las dichas mestas e a ellas lleben todas las obejas carneros corderos e otros qualesquier ganados de los semejantes que fueren mesteñas agenas questen enbueltas con sus ganados para que se sepan cuyas son o sean entregadas a sus dueños

pagando lo que bien bisto fuere a los alcaldes por la guarda so pena que el que ansy no lo hiziere pague de pena diez carneros para la parte e demas que pague las mestas que ansy en su poder allaren al consejo con el quatro tanto e si las tubieren tras señaladas las pague con las zetenas para el concejo demas de la pena para la parte y entiendese que todos los ganados sean mesteñas como yeguas caualllos y mulas bacas y puercos como obejas y carneros.

V. Iten que ninguno en su ganado tenga señal que otro tubiere salbo que todas las señales sean diferentes por que mas ligeramente se pueda saber la berdad cuyo es el ganado.

VI. Iten ninguno no pueda tener su ganado señal de troza que la oreja o orejas cortadas por que quien tubiere tal señal las podria hazer suyas cortandole las orejas e haziendo las tronzas so pena quel que tal señal tubiere pierda el ganado e sea para el consejo e si alguno tobieren tronza por señal hasta agora que les haga otra señal que no sea tronza.

VII. Iten que si dos señores de ganado tobieren una señal los del consejo den a cada uno la señal que les paresciere que sea diferente la una de la otra e non puedan tener dos una señal.

VIII. Iten que no pueda hazer concejo sin que a lo menos esten presentes del cinco personas señores de ganados y hermanos de la mesta.

IX. Iten que todas las personas que tobieren ganados de mas trescientas cabezas de obejas o carneros o puercos o cabras o dende arriba de bacas o yeguas beynte cabezas o de arriba sean por fuerza hermanos de la mesta e sean obligados de yr en persona o enbïar a los concejos que se hizieren e cada uno dellos estando ellos ynpïdidos con justo ynpïdimento o lleben o enbïen al dicho consejo las dichas mesteñas segun como dicho es.

X. Iten que los alcaldes o alcalde en cada un año hagan pesquisa general de su oficio aunque no aya acusador ni denunciador sobre los hurtos que se han hecho e se hacen en la probincia e al que allaren culpado lo castiguen e le den pena como bieren que conforme a derecho conbenga.

XI. En el dicho consejo se arrienden las penas pertenecientes al concejo e se aplicaren para el e para

cobrar del dicho arrendador aya mayordomo e las otras cosas que conbiniere para el bien de la arrienda segun se hordenare en el dicho consejo e bien bisto por experiencia les fuere lo que mejor conbenga.

XII. Iten que el dicho consejo para el pro e utilidad del pueda hazer hordenanzas y otros mandados utiles y neccesarios e prouechosos para el bien de lo susodicho conque no husen dellas hasta que sean traydas a el yllustrisimo señor bisorrey o la persona que asistiere en esta nueba españa en la gobernacion della para que las apruebe si bien bisto le fuere y despues de aprouadas se pregonen para que se guarden.

XIII. Iten quel ganado que en los dichos consejos o en qualesquier dellos se hallare mostrenco que quiere desir que no tiene dueño sea depositado en personas llanas e abonadas a se pregone en esta ciudad y en las comarcas el tal ganado que alla mostrenco e si de un concejo hasta otro no se allare dueño sea y se apliquen para la camara de su magestad e por tales se den y entreguen al thesoro de su magestad bendiendolo y haziendo cargo dello por el contador como es uso y costunbre para que de todo aya asiento y razon.

XIV. Yten que los dichos alcalde o alcaldes de mesta sean elexidos el primero dia de cada un año por el cabildo desta cibdad quando se nonbran y elijen los alcaldes hordinarios e los otros oficiales e que los que fueren un año no lo puedan ser otro año adelante salbo si no fuere con muy justa cabsa y no abiendo otros que buenamente lo puedan ser.

XV. Yten que acabado su año los que ansy an sido al otro consejo de la mesta que se siguiere bayan a el personalmente a cunplir de derecho a los querellosos que algo les quisieren pedir e demandar ante los alcaldes que les sucedieren e alli les sea tomada quenta de los bienes del dicho consejo e otro tanto al mayordomo al cual se le tome quenta y el alcance que se le hiziere de y entregue a quien sucediere en su lugar.

XVI. Iten que los alcaldes que son o fueren de la mesta lleben los derechos de las firmas e de los abtos que ante ellos pasaren conforme lo que lleban los alcaldes hordinarios desta cibdad de mexico y mas la parte que les pertenciere e cupiere de las penas aplicadas para el consejo conforme a derecho.

XVII. Iten que pedian e suplicaban al yllustrisimo señor bisorrey de licencia e facultad para que los

dichos alcalde o alcaldes puedan traer e traygan baras de justicia en las partes e lugares donde andubieren e se obieren de hacer los dichos concejos todo el tiempo que duraren desde el dia que partieren a entender en lo de mesta hasta que se buelban a sus casas e que ansy mismo el alcalde o alcaldes puedan elexir alguazil o alguaziles para entender en la execucion de lo suso-cicho los quales puedan traer baras de justicia desdel dia a entender en ello hasta que buelban a sus casas segun que los dichos alcaldes e que para ello mande dar su probision.

APPENDIX B

List of Alcaldes of the Mesta (16th Century)

- 1538 - Gerónimo Ruiz de la Mota y Hernán Pérez Bocanegra
- 1539 - Luis de la Torre y Francisco Terrazas
- 1540 - Luis Marin y Juan Jaramillo
- 1541 - Juan de Burgos y Gerónimo de Medina
- 1542 - Juan de Burgos y Juan de Medina
- 1543 - Gerónimo Ruiz de la Mota y Gonzalo López
- 1544 - Hernán Pérez Bocanegra y Antonio de Cadena
- 1545 - Luis de la Torre y Alonzo Bazan
- 1546 - Juan de Burgos y Alonzo de Castilla
- 1547 - Francisco Santa Cruz (served alone)
- 1548 - Antonio Cadena y Gerónimo Ruiz de la Mota
- 1549 - Alonzo Bazan y Juan Carbajal
- 1550 - Gonzalo Gómez Vetanzos y Juan Carbajal
- 1551 - Angel Villafana y Andres Tapia
- 1552 - Alonzo Pérez y Alonzo de Aguilar
- 1553 - Gerónimo Ruiz de la Mota y Gabriel Aguilera
- 1554 - Juan Carbajal y Pedro Serrano
- 1555 - Antonio Cadena y Juan Cano
- 1556 - Gerónimo Ruiz de la Mota y Gabriel Aguilera
- 1557 - Diego Guevara y Alonzo Contreras
- 1558 - Alonzo Aguilar y Antonio Cadena
- 1559 - Bernardino del Castillo y Manuel Villegas
- 1560 - Juan Guerrero y Rodrigo Maldonado

- 1561 - Hernando de Avila y Alonzo Valiente
- 1562 - Diego Arias Sotelo y Pedro Meneses
- 1563 - George Zeron y Juan Enríquez
- 1564 - Juan Jaramillo y Juan Moscoso
- 1565 - Francisco Olmos y Julian Gamboa
- 1566 - Juan Enríquez y Alonzo Martínez
- 1567 - Antonio Cadena y Manuel Villegas
- 1568 - Antonio Cadena y Leonel Cervantes
- 1569 - Hernando Gutierrez Altamirano y Juan Guerrero
- 1570 - Doctor Bustamente y Diego Ordaz
- 1571 - Leonel Cervantes y Doctor Bustamente
- 1572 - Hernán Caballero y Luis Peralta
- 1573 - Antonio de la Mota y Pedro Muñoz
- 1574 - Hernando de Rivadeneira y Hernán Gutierrez
- 1575 - Hernando de Rivadeneira y Nuño Chavez
- 1576 - Hernando Davila y Juan Valdiviesco
- 1577 - Antonio del Gadillo y Alonzo Cervantes
- 1578 - Diego Ordaz y Gerónimo Bustamente
- 1579 - Leonel Cervantes y Alonzo Pérez
- 1580 - Antonio de la Mota y Hernando Bazan
- 1581 - Gerónimo Ruyz de la Mota y Fernando Bazan
- 1582 - Gabriel Chavez y Gonzalo Gallego
- 1583 - Diego Guzman y Mateo Monleon
- 1584 - Fernando de Rivadeneira y Gerónimo Mercado
- 1585 - Baltazar Cadena y Bernardino Vázquez de Tapia
- 1586 - Martin Sazo y Rodrigo Avila

- 1587 - Francisco Merida y Don Juan Maldonado
- 1588 - Juan Guzman y Ruy Diaz de Mendoza
- 1589 - Francisco Solis y Cristobal Tapia
- 1590 - Gonzalo Gómez Cervantes y Juan Alonzo Altamirano
- 1591 - Leonel Cervantes y Rafael Trejo
- 1592 - Francisco Solis y el regidor Antonio Valdes
- 1593 - Martin Sazo y Don Juan Saavedra
- 1594 - Andres Estrada y Gonzalo Hernández de Figueroa
- 1595 - Gonzalo Gómez y Gaspar Solis
- 1596 - Rafael Trejo y Luis Carrillo Guzman
- 1597 - Juan Maldonado Montejo y Juan Saldiviar
- 1598 - Alonzo Pérez Bocanegra y Rodrigo de Zarate
- 1599 - Leonel Cervantes y Don Juan Saavedra
- 1600 - Lucas Lara y Hernando Salazar

APPENDIX C

Brands of sheep- and cattle-owners in the vicinity of Mexico City. For others see Actas de Cabildo, II, 196-210.



En 21 de Octubre de 1530 años presento en cabildo narciso leonardoun hierro desta manera para herrar sus obejas.



En 25 de setiembre de 1534 años presento luyz sanchez un hierro desta manera para sus ganados.



En ocho de Octubre de 1534 años presento xripetoual de paredes un hierro para herrar sus hieguas desta manera e otro hierro pequeño para obejas.



En 9 de abril de 1535 años ante mi el dicho miguel lopez diego muñoz presento un hierro desta manera para herrar sus ganados.



En 17 de abril de 1535 años registro ante mi anton brabo un hierro desta manera como el de abaxo para herrar sus ganados.



En 25 de Mayo de 1535 años registro pedro de salcedo platero ante mi el dicho escribano un hierro desta manera como el de abaxo para herrar sus ganados.



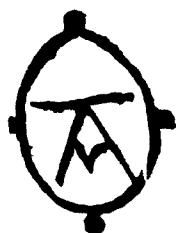
Asi mismo ~~presento~~ e trazo el dicho
serban un hierro de ~~bacas~~ y obejas ques
desta manera.



Juan trazo y presento un hierro de
obejas ques desta manera.



Francisco dauila presento un hierro
de sus obejas desta manera.



Rodrigo de carrion presento un hier-
ro de obejas desta manera.



Cristobal flores presento un hierro de
bacas desta manera.



Miguel rrodriguez de guadalupe pre-
sento un hierro de obejas desta manera.



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Blas de campo presento un hierro de
obejas desta manera.



El dicho blas de campo presento un
hierro de obejas suyo y de palacios rru-
bio que cruza por medio de las naricez
que se berza desta manera.



Hernan medel presento un hierro pa-
ra obejas suyo desta manera.



Juan de castañeda presento un hierro
suyo de obejas ques desta manera.



Pedro mendez presento un hierro su-
yo para obejas que es desta manera.



Juan rrares presento un hierro de
sus obejas desta manera.



Rodrigo de Salvatierra presento un hierro desta manera de obejas.



Enrique de santeliza presento un hierro de obejas suyo ques desta manera.



Alonso de torres hortelano presento un hierro de obejas desta manera.



Maria de arabio por su nieta hija de cristobal dolia presento un hierro de obejas de la dicha su nieta desta manera.



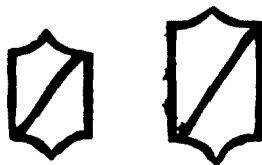
Juan de yepex herrero presento un hierro de obejas de esta manera.



Martin perez carpintero bezino desta cibdad presento un hierro para obejas desta manera.



Juan de burgos bezino desta cibdad presento dos hierros uno para bacas y otro para obejas desta manera.



Alonso de billanueba bezino desta cibdad presento en cabildo un hierro para obejas ques una barilla de fierro que dijo que faze por el rrostro de cada obeja dos rrayas juntas debajo del ojo desta manera.



El comendador leonel de cervantes bezino desta cibdad presento en cabildo un hierro para obejas desta manera.



Juan davila saestre presento un hierro en el cabildo de las obejas de diego davila desta manera.



Juan montero y francisco de la torre en 28 de marzo de 1530 años presentaron en cabildo un hierro desta manera para bacas y yeguas y obejas.



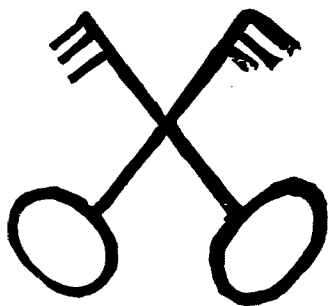
Juan rrodriguez zerero en 29 de Abril de 1530 años presento en cabildo un hierro desta manera para obejas.



Diego garcia xaramillo en 29 de Abril de 1530 años presento un hierro desta manera para sus obejas.

S

En 30 de henero de 1536 años rregistro francisco de chavez un hierro para herrar sus ganados desta manera.



En 4 dias de junio de 1536 años rregistro juan gomez moreno un hierro para herrar sus ganados de bacas e yeguas y obejas desta manera.

N

Este dia yo el dicho miguel lopez escribano rregistro un hierro para herrar yeguas, de mi suegra y de mi hija desta manera.



En 23 de Noviembre de 1536 años rregistro juan de cuellar berdugo vecino desta cibdad un hierro desta manera para herrar sus ganados.



En 1° de Diziembre de 1536 años rregistro juan lopez de ximenez vecino

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desta cibdad un hierro desta manera para herrar su ganado.



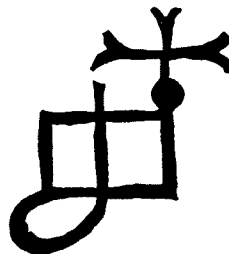
En 24 de abril de 1537 años parescio ante mi pedro de sandobal e rregistro un hierro para herrar sus ganados ques desta manera.



En 15 de Mayo de 1537 años rregistro el licenciado nuñez medico un hierro para herrar sus ganados desta manera



En 29 de Mayo de 1537 años ante mi el dicho escribano parescio el dicho franciscogalindo y mostro y escribio un hierro para herrar sus ganados desta manera.



Este dia alonso de basan yerno de francisco berdugo presento un hierro para herrar sus ganados desta manera.





En 14 de hemero de 1533 años antonio de los rios presento un hierro desta manera.



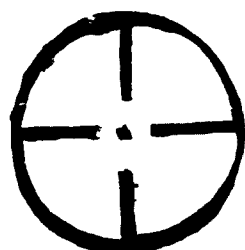
En 28 de abril de 1533 años presento juan de sandoval un yerro para herrar sus yeguas y ganados.



En 10 de Octubre de 1533 años presento albaro gallego en cabildo un hierro para herrar sus ganados desta manera.



En 7 de Noviembre de 1533 años registro luyz sanchez un hierro desta manera para herrar sus ganados.



En 14 de noviembre de 1533 años registro e manifesto un hierro para herrar sus ganados de un escudo con una banda al revés desta manera antonio de carbaial alcalde.



En 29 de diziembre de 1533 años presento antonio de anguiano un hierro desta manera para herrar sus ganados.



En 29 de Junio de 1530 años el canonigo alonso lopez presento un hierro de herrar obejas desta manera.



En 5 de julio de 1530 años ante mi miguel lopez escribano publico del consejo desta dicha cibdad parecio presente pedro de bargas y presento un hierro desta manera para herrar sus obejas de andres dias menor hijo de francisco diaz confitero defuncto.



En 21 dias del mes de julio de 1530 años ante mi eldicho escribano publico francisco de lerna parecio y presento un hierro desta manera para herrar sus obejas.



En 27 de julio de 1530 años ante mi eldicho escribano publico presento alonso peres de Sandoval un hierro desta manera para herrar obejas.

APPENDIX D

Part I

Towns raising sheep where geographical and
climatic conditions were favorable

Atlacomulco, México

Atotonilco, "

Acatlán in Santiago de los Valles

Amatlán " " " " "

Acececa in Pánuco

Ayagualicán "

Ayutla in Cumpango

Azunyuc in Guaxaca

Amusgos " "

Autlán in La Purificación

Atengoychán, Nueva Galizia

Acatitlán " "

Atiztaxque " "

Agualica " "

Acatichime " "

Atonahuato in Culiacán

Cacaltepeque en la Costa de la Mar del Sur

Chayuco en Tututepeque

Cocula en Nueva Galizia

Chiapantongo en México

Chiapa en México

Chichiguantla en México

Cinacantepeque en México

Cicoaque " "

Chalchitlán en Pánuco

Chalchiguantla en Pánuco

Ciguala " "

Chuyseo en Mechuacán

Chocandrio "

Capaco "

Cucalapa en Colima

Cacapila en la Purificación

Centiquipac en la Nueva Galizia

Cuzpaltán " " " "

Copala " " " "

Cuistlán " " " "

Coyna " " " "

Contlán " " " "

Cimatlán en Guaxaca

Cuyutepeque "

Epatlán en Los Angeles

Etlantongo en Guaxaca

Gueguetlán en Los Angeles

Guacachula " " "

Gueytihuacán en México

Hutameto en Guaxaca

Yeatlán en la Nueva Galizia

Ystlahuaca en México

Ystlayutla en Guaxaca

Yurapundaro en Mechuacán

Ystapa en Mechuacán

Yndaparapeo "

Yanquila en la Purificación

Ystapa en la Nueva Galizia

Ycatlán " " " "

Yztata en los Choatales

Las Laxas en Pánuco

La Estancia del Judio en la Purificación

Malinalco en México

Matlatlán en Los Angeles

Macolutla en Pánuco

Mecatlán " "

Metatepeque "

Miztlán y Tecomatlán y Aguacapán en la Purificación

Milpa en la Purificación

Mecatlán en la Nueva Galizia

Mazcotlán en " " "

Macatlán en la Purificación

Macatlán en Guaxaca

Nacuchtlán en Los Angeles

Nexpa en Pánuco

Nochistlán en Guaxaca

Neciguata en Culiacán

Nacotarimeto "

Ometepeque en la Costa del Sur

Pinoteca " " " " "

Potuctla " " " " "

Pinoteca la Chica a Tututepeque

Quahutepeque en la Costa del Sur

Quahuitlán " " " " "

Quaquezpaltepeque en Tututepeque

Suchitepeque en la Costa del Sur

Suchistlahuacán en la " " "

Suchipila en la Nueva Galizia

Soconusco en Guatemala

Tecamochalco en Los Angeles

Tecuntepeque en México

Tolguayuca " "

Tebquititlán en Colima

Tepexe en México

Tlachachique en México

Talguacpa " "

Tlamaco " "

Tepetitlán " "

Toluca " "

Tlalchichilpa " "

Tantohex en los Valles

Tantuana " " "

Tanchilabe " "

Tancomonco " "

Tantoyuca en los Valles

Tancaxuale " " "

Tamaholipa " " "

Tancacana " " "

Tantay " " "

Tanchipa " " "

Tampasqui " " "

Tamacolite " " "

Tanchana " " "

Tamatao en Pánuco

Tamalocuco "

Tauxohol "

Tamu "

Tancaquila "

Tanchoy "

Taucuylabo "

Tantala "

Tancuche "

Tamintla "

Tampaca "

Topla "

Tanculupe "

Tamasonchal "

Tantoyetle "

Tempual "

Texupexpa "

Tacolula en Pánuco

Tampulen " "

Tomantao en Pánuco

Tantomol " "

Toplia " "

Tacolula en Guaxaca

Tacamau en la Costa del Sur

Tututepeque en Guaxaca

Tustla " "

Tamaculapa " "

Taymeo en Mechuacán

Taximaro "

Tacacalca "

Tuscacuexco en Colima

Tepique en Nueva Galizia

Tetitlán en la Purificación

Tecomatlán " "

Tene " "

Tepetichán en la Nueva Galizia

Talapocol " " " "

Tlacotlán " " " "

Teponahuasco " " "

Tlaltenango " " "

Tacolimbo en Culiacán

Taxiaco en Guaxaca

Tecoantepque "

Villaspa en México

Veicilapa "

Xocotetlán "

Xiquipileo "

Xocutla en Guaxaca

Xicayán en la Costa del Sur

Xamiltepeque en Tututepeque

Xicayán en la Costa del Sur

Xiquitlán en Colima

Xalisco en Nueva Galizia

Xalpa " " "

APPENDIX D

Part II

Towns where geographical factors were unfavorable to sheep-raising, due to hot climate, low land, too much rainfall, possible lack of water, or other local circumstances

Amacueca en Colima

Axixique " "

Atoyaque " "

Acatlán en Los Angeles

Axacuba en México

Atempa, Los Angeles

Aluma en Colima

Cayula " "

Capotitlán "

Chichilintla en Los Angeles

Coyatitlanapa " " "

Yspuchtepeque en Guaxaca

Olintepeque " "

Tocintlán en Los Angeles

Tecayuca en México

Tenanpulco "

Tlapanaloya "

Taxelutla en Colima

Tepuxuxuma en Los Angeles

Tlatequetlán " "

Tlilapán " "

Tutultepec en Tasco

Tezcatepeque y Tucantlapa en México

Tupantlán en Los Angeles

Tamosque en los Valles

Totolapa en Guaxaca

Tepexitepeque "

Tulilapa "

Xicotepeque en México

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An examination of the cabildo records of Mexico City brings out many sources on the Mesta in New Spain. In these minutes the constitution of 1537, the first governing document of the Mesta, is to be found. Throughout the cabildo records the officials of the Mesta and of the town council are listed in the minutes of the first meeting of each New Year. These records are replete with information and regulations concerning the pastoral industry, and have been the most useful source for this work. Volumes IX, X, and XI which are not in the University of Michigan Libraries were secured through the courtesy of the University of Texas. For purposes of comparison and to find new light on the pastoral industry, the cabildo records of Lima, Quito, and Santiago have been examined. There are striking similarities, and some differences, between the manner in which pastoral affairs were administered in those districts as compared with that of New Spain.

The most useful sources of cédulas and decrees issued by the Spanish monarchs are the Recopilación de leyes de los reynos de las Indias, and Solorzano's Política Indiana. Many other valuable royal ordinances are to be found in the inedited documents. The Letters of Cortés throw considerable light on social and economic conditions of the Indians at the time of the Conquest. Labor conditions in New Spain are treated best by Zavala y Castelo, in Fuentes para la Historia del Trabajo en Nueva España. Beleña's Recopilación ..., contains the entire document of the Mesta constitution of 1574, and has been very valuable in the study of trends in the pastoral industry toward the close of the sixteenth century. The best documentary sources on the Spanish background may be found in Teatro de la legislación; in these volumes there is much legislation which is taken

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Works which discuss and describe the techniques of wool manufacturing are by Burnley, Roberts Beaumont, Cole, and Lipson. These authorities deal, in the main, with wool production in England and in the English colonies in America. Their works have little material which concerns Spanish techniques of wool production.

On the social side the most comprehensive works are the volumes of Las Casas; the work in Spanish is more valuable than that in French. An excellent monograph which deals with the Spanish concept of the Indians is that by Hanke.

For the chapter on "Wool Prices and Price Trends," Hamilton's American Treasure and the Price Revolution in Spain was most valuable. This volume also contains excellent material on the system of weights and measures used in the Spanish empire.

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